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### LOK SABHA

The following Report of the Joint Committee on the Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith was presented to Lok Sabha on the 8th February, 1960:—

#### Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhry Brahm Perkash |
5. Shri C. Krishnan Nair |
6. Shri Naval Prabhakar
7. Shri Shivram Rango Rane |
8. Shri K. V. Ramakrishna Reddy
9. Shri Bhola Nath Biswas
10. Shri Ramappa Balappa Bidari
11. Shri Surti Kistaiya |
12. Shri K. Periaswami Gounder
13. Shri Daljit Singh
14. Shri Bhakt Darshan
15. Swami Ramanand Shastri

( 9/1 )

16. Chaudhary Pratap Singh Daulta
17. Shri Mohan Swarup
18. Shri N. P. Shanmuga Gounder
19. Shri Atal Bihari Vajpayee
20. Shri N. G. Ranga
21. Shri B. N. Datar

*Rajya Sabha*

22. Shri Onkar Nath
23. Shri R. M. Deshmukh
24. Shrimati Anis Kidwai
25. Shri N. Ramakrishna Iyer
26. Shri Kishori Ram
27. Shri S. Panigrahi
28. Shri Abdur Rezzak Khan
29. Mirza Ahmed Ali
30. Shri Niranjan Singh.

DRAFTSMEN

Shri R. C. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri G. R. Bal, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri S. L. Shaktiher—*Joint Secretary*

Shri A. L. Rai—*Deputy Secretary.*

### Report of the Joint Committee

I, the Chairman of the Joint Committee to which the \*Bill to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 25th November, 1959. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri B. N. Datar, the Minister of State in the Ministry of Home Affairs on the 15th December, 1959 and was discussed in the Lok Sabha on the 15th and 16th December, 1959 and was adopted on the 16th December, 1959.

3. The Rajya Sabha discussed and concurred in the said motion on the 22nd December, 1959.

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin Part II dated the 23rd December, 1959.

5. The Committee held four sittings in all.

6. The first sitting of the Committee was held on the 24th December, 1959 to draw up a programme of work.

7. The Committee considered the Bill clause by clause at their sittings held on the 23rd and 24th January, 1960.

8. The Committee considered and adopted the Report on the 6th February, 1960.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Enacting Formula and Clause 1.*—The changes are of consequential nature.

11. *Clause 5.*—The Committee feel that when a person fails to submit a return in accordance with the provisions of section 4, a statutory obligation should be imposed on the competent authority to collect the necessary information. The clause has been amended accordingly.

\*Published in Part II—Section 2 of the Gazette of India, Extraordinary, dated the 24th November, 1959.

12. *Clause 9.*—Under Sub-clause (1), a person aggrieved by an entry in the list published by the competent authority has to file objections within thirty days from the date of the publication of the list. The Committee are of opinion that there should be an enabling provision empowering the Deputy Commissioner to receive objections even after the expiry of the said period of thirty days, if such person is prevented by sufficient cause from filing objections within the prescribed period.

The clause has been amended accordingly.

13. *Clause 10.*—Sub-clause (1) provides for payment of compensation in respect of excess land at varying rates on a slab basis and the rates vary from 40 times to 20 times the land revenue in respect of the excess land. The Committee are of the view that the compensation in respect of excess land should be paid at an uniform rate of 40 times the land revenue in respect of the excess land.

The clause has been amended accordingly. Other changes made in this clause are of a consequential nature.

14. *Clause 11.*—The Committee desire that where compensation payable to a Bhumidhar or Asami is a small amount, it should be paid in a lump sum.

15. *Clause 13.*—The clause has been re-drafted to make the intention clear.

16. *Clause 28.*—The Committee feel that transfers of land by a Bhumidhar for religious and charitable purposes and Bhoodan should be exempted from restrictions on transfer of land imposed under this clause.

The clause has been amended accordingly.

17. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT,  
Chairman,  
Joint Committee.

NEW DELHI;  
The 7th February, 1960.



### Minutes of Dissent

#### I

At the very outset, I have to express my dissent from this one-sided (unilateral) effort of the Government to impose ceilings on agricultural holdings, without agreeing and attempting to impose similar ceilings on other properties. It is true that even the Central Government and Parliament have already imposed such ceiling on all future acquisitions of landed property (No. VIII of 1954) but there was some hope, at that time, a similar effort would be made to limit the acquisitions of non-agricultural properties. Now that there is no longer any doubt as to the unwillingness of the Government to touch other (non-agricultural) properties, there is much less justification for this discrimination against agriculturists.

However since Parliament has been persuaded to accept this principle of ceilings on agricultural holdings, however discriminatory, I was obliged to press for a higher limit for this proposed ceiling to mitigate its evil effects. It is unfortunate that it was decided not to raise the proposed ceiling limit of 30 standard acres.

I am convinced that the highest income to be derived from the best yield achieved in the best agricultural seasons cannot yield maximum income to the few agricultural families who can alone be found at present to reach that acumen of their ambitions and permissible highest income which can be compared to the regular and assured monthly income of a junior officer in the service of Government of India, nor can it enable such families to send one or two of their sons or daughters to any technical college or to encourage any of them to hope to stand as a candidate for the State or Central legislature. Therefore the effect of this ceiling legislation is to permanently condemn agriculturists alone to a comparatively depressed condition and disable them from attaining higher education or political status, as compared with all other classes. The Constitution has charged Parliament and Government to devise ways and means to remove the disabilities of the existing traditionally depressed classes (article 46) but the fathers of our Constitution never dreamt that Government would advise Parliament to convert in this manner the majority of our masses into a new depressed class.

It was argued that only a few people would come within the mischief of this proposed legislation on land ceilings. But greater

issues are implicit in this proposal. It means that hereafter no one would be allowed to raise and obtain an opportunity to demonstrate his initiative, enterprise and organising ability, business acumen and agricultural leadership so well and to such an extent with so much land as is needed, that he could hope to gain an income comparable even to the middle-tiers of incomes now derived by industrial entrepreneurs and commercial and other professional magnates. It also means that all such enterprising educated and competent people who are justifiably ambitious and keen on making their best contribution to our national development would be encouraged to drift into non-agricultural activities, leaving agricultural enterprise to become the monopoly of under-developed and non-enterprising people.

It is said that this discriminatory legislation is being undertaken to obtain land for the landless who had been the 'have nots' till now. But is it not the duty of Parliament to examine whether the advantages to be derived from such a re-distribution of land are commensurate with the consequential disadvantages of imposing such a ceiling? Are there not other ways of placing lands belonging to Government and estimated to be eight to ten crores of acres at the disposal of the landless, while taking all such developmental steps as are being adopted in the case of the Dandakaranya.

What canon of social justice is being observed in discriminating against those landholders—not landlords—who are also actual cultivators and who do not have to exploit any tenants or rentiers?

Coming to the question of imposition of these ceilings as from a stated date, Government proposes to fix a date (10-2-59) on which it has announced in Parliament that a ceiling would come to be fixed by a Bill to be introduced. But it did not mention the exact area of that limit. No one could be expected to know at what exact limit it would be fixed. Therefore some of us pleaded, but in vain, that the date of such a vague announcement could be untenable and to declare as null and void all transactions of sales, transfers of land after that date would be giving undue and unjust retrospective effect of a vague announcement of the intention of the Government would be stretching the provisions of the Constitution too far. I am strongly of the opinion that the date on which the Bill was introduced in Parliament (25-11-1959) should alone be taken into consideration. And all transactions in land which had taken place upto that date (25-11-59) should not at all be questioned.

Coming to the question of payment of compensation, I feel that the quantum suggested by the Bill and accepted by the Joint Committee is much too meagre and unjust.

I am convinced that when the Constitution was being amended to overcome the decisions of the Courts on the question of payment of compensation to the erstwhile Talukdars and Zamindars (rent-receiving landlords) who had been recognised by the British and Moghuls for the purpose of land revenue by keeping it beyond the purview of the Courts, Parliament did not realise that the properties obtained by ownership, heredity and savings and managed by the owners themselves for their own benefit without in any way directly impinging upon the equal freedom to obtain, own or save and enjoy similar properties or sources of incomes would also come to be dealt with in the same summary fashion and be denied the right to claim and obtain the market value as compensation.

Anyhow on Parliament and Assemblies have been cast by that constitutional amendment, the high and onerous responsibility of using this power, only after giving due consideration to its all-round effects upon the national economy as a whole and the particular sector of property concerned. Now that this Bill proposes to offer only a modicum of the market value prevailing today for the excess lands over and above the ceiling of the actual land-holding agriculturists, it sets such a bad precedent that all the holders of all other properties are thus being given due notice that on any day when it pleases Government and Parliament, any part or portion or use of their properties is likely to be taken over by Government by the so called due processes of law on the payment of nominal compensation. This notice given in such a glaring and arbitrary manner and in defiance of the statesman-like restraints which the Constitution-makers expected to be observed by Parliament, is sure to discourage in the long run all initiative, enterprise and incentive to earn and save and develop one's own properties and other sources of income, employment and security. Therefore I do plead with Parliament that it should not accept this unwise proposal of the Government, i.e., the payment of only a nominal compensation.

Moreover, the last Parliament had paid market rates to the shareholders of the Imperial Bank of India and to set at naught that reasonable precedent and to go headlong with this unjust proposal of the Bill is to declare to all our agriculturists that they must be and would be discriminated against. Parliament ought not commit such an act of class discrimination.

The whole approach to property as is indicated by this and such other Bills needs to be reconsidered. Even Soviet Russia is coming to realise the need for allowing people to own, accumulate and enjoy private property. No democracy can continue to be liberal and loyal

to the Fundamental Rights which is not prepared to respect people's rights to private property, savings and means of income, livelihood and socio-economic freedom. Now that we find Government is so ready to advise Parliament and Assemblies to entertain such unwise and one-sided proposals calculated to create wide and deep sense of insecurity of property and savings, we are obliged to appeal to Parliament and Assemblies, to repeal the amendment made to the Constitution and restore the Constitution to its original form, as it was passed in 1950.

I therefore dissent from the whole approach of this Bill.

N. G. RANGA.\*

(Received on the 6th February, 1960).

## II

We welcome the Bill and its measures mostly. To limit the ceiling on the basis of family as suggested in the Bill and also to fix it on the basis of standard acre, make the Bill a model one.

But in our humble opinion the ceiling of 30 standard acres in a State like Delhi, where lands are very much limited and more and more in demand, it is a bit high one. "Because Punjab and Rajasthan have done so Delhi lands being similar to them must follow suit"—is not a convincing argument. The Delhi lands cannot be so equated with Punjab and Rajasthan lands.

As regards the suggestion of 30 standard acres by the Planning Commission as ceiling, it should be regarded as a general formula and should not be put in practice mechanically as was done in the present case.

As regards the payment of compensation for excess lands—forty times of land Revenue as suggested in the Bill it looks very low, as the land Revenue for Delhi lands is less than Re. 1/- per acre on the average.

But the ceiling as fixed in the Bill is high enough to make excess lands available for the payment of compensation. So, the low rate of compensation in effect is a harmless measure.

We commend the Bill to the House.

A. R. KHAN.  
P. S. DAULTA.

NEW DELHI;

Dated the 6th February, 1960.

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\*Certificate required under Direction 87 of the "Directions by the Speaker under the Rules of Procedure of Lok Sabha" not received.

## III

I am sorry, I cannot agree with all the provisions laid down in the Bill. Herewith I am giving the points of my disagreement:—

In Delhi, which is centrally administered, we expected a model legislation on this problem of the day, throughout the country. But we are disappointed to a great extent. The definition of family as enumerated in the Bill is not at all comprehensive. It is silent on the rights, of widows—such as widow sisters of the ‘Husband’ or the ‘wife’ or widow daughters, who are supported by the family. The Bill also throws no light on the rights of married brothers and sons of the joint family. I venture to suggest that these widows should be given some facility (ies) when the question of land ceiling is considered. So is the case of married brothers and sons. Though they form part of the same joint family; but as a matter of fact each comes under the purview of the definition and each has formed a separate family. Hence they too are entitled for some concessions. The widows particularly deserve consideration and are entitled for 5 acres of land each.

Then in clause 3 on page 3 no difference is mentioned between Bhumidhari and Sirdari lands. Bhumidhars have greater proprietary rights than the Sirdars, as the former can dispose of the land and can execute sale deeds in favour of any purchaser, while the Sirdars cannot do so. Hence it is expedient that some line of demarcation should be established between these two types of tenure holders.

There are so many types of lands in Delhi State—some are sandy; some alluvial and some stony and full of rocks. In U.P. and other States while considering the question of land ceiling the framers of the Bill have taken into account the quantum of fertility and given more weightage to the land holders who are in possession of less fertile land. In U.P. the cultivators of ‘Bhoor’ land are allowed some more land according to the valuation of such land. This principle has been recognised even under the Consolidation of Holding Scheme. It was, therefore, advisable that in Delhi too, such cultivators, who possess sandy or rocky land, they should be given more weightage and as such allowed some extra land in comparison to those who possess first class ‘Doomat’ land.

Then again in U.P. and other States they have considered the rate of land revenue, paid by the cultivators. Those who pay less than Rs. 5/- per acre are allowed more land in comparison to those who pay Rs. 10/- to Rs. 12/- per acre. The difference between the rates of the land revenue is due to the fact that those who pay

lesser land revenue, possess inferior land. But in the present Bill no such provision is made and the Bill is silent on such a vital point.

Chief Commissioner and Deputy Commissioner are no doubt the pillars of the administration and they are the pivot round which the whole machinery revolves; but it is not wise to allow them wider discretionary powers. There should be specific provisions, under which the law should be governed, so that the purpose of a piece of legislation may not be jeopardised.

The present land ceiling Bill is meant only for a few cultivators in Delhi State. It has been represented to me that only about 33 persons will be affected by these new arrangements. Delhi, being the cosmopolitan city, will have the tendency of increasing in size, to cope with the increasing demand and will have share from the rural Delhi. Consequently the adjoining villages are frequently taken to implement the Scheme of Greater Delhi every year. Under the circumstances this Bill has got little importance.

NEW DELHI;

*Dated the 7th February, 1960.*

MOHAN SWARUP.

Bill No. 82B of 1959

## THE DELHI LAND HOLDINGS (CEILING) BILL, 1959

(AS REPORTED BY THE JOINT COMMITTEE)

*(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)*

A

## BILL

*to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith.*BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

- 5 1. (1) This Act may be called the Delhi Land Holdings (Ceiling) Act, 1960. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of Delhi, but shall not apply to—

Punjab Act  
3 of 1911.  
2 of 1924.

- 10 (a) the areas which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or in a cantonment under the provisions of the Cantonments Act, 1924;

- 15 (b) the areas owned by the Central Government or any local authority; and

(c) the areas held and occupied for a public purpose or for a work of public utility and declared as such by the Chief Commissioner or the areas acquired under any enactment relating to the acquisition of land for a public purpose,

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

**Definitions.**

2. In this Act, unless the context otherwise requires,—

(a) “ceiling limit”, in relation to land, means the limit fixed under section 3; 5

(b) “Chief Commissioner” means the Chief Commissioner of Delhi;

(c) “competent authority” means any person or authority authorised by the Chief Commissioner by notification in the Official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification; 10

(d) “family”, in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grand children, of such person; 15

(e) “minor” means a person who is deemed not to have attained majority under the Indian Majority Act, 1875; 9 of 1875.

(f) “person under disability” means—

(i) a widow;

(ii) a minor; 20

(iii) a woman unmarried or, if married, divorced or judicially separated from her husband or whose husband is a person falling under sub-clause (iv) or sub-clause (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivating land by reason of some physical or mental disability; 25

(g) “prescribed” means prescribed by rules made under this Act;

(h) the words and expressions “Asami”, “Bhumidhar”, “Deputy Commissioner”, “Gaon Panchayat”, “improvement”, “land”, “standard acre” and “village” shall have the meanings respectively assigned to them in the Delhi Land Reforms Act, 1954. 30

Delhi Act  
of 1954.

## CHAPTER II

### CEILING ON HOLDINGS AND VESTING AND ALLOTMENT OF EXCESS LAND 35

**Ceiling  
holdings.**

3. No person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person



representing the family) shall, whether as a Bhumidhar or an Asami or partly in one capacity and partly in another, hold land in excess of thirty standard acres in the aggregate:

Provided that where the number of members of the family of 5 such person exceeds five, he may hold five additional standard acres for each member in excess of five, so however, as not to exceed sixty standard acres in the aggregate.

*Explanation.*—In the case of a company, an association or any other body of individuals, the ceiling limit shall be thirty standard 10 acres.

4. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, 15 in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Submission  
of returns.

Provided that in the case of a joint holding, all co-sharers may 20 submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

*Explanation.*—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case 25 may be.

5. If any person, who under section 4 is required to submit a return, fails to do so in accordance with the provisions of that section, the competent authority shall collect the necessary information 30 through such agency as may be prescribed.

Collection of  
information  
through  
other  
agency.

6. (1) On receipt of any return under section 4 or information 30 under section 5 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 7 and section 8 or of any rules that may be made in this behalf, it shall determine—

Procedure  
for deter-  
mination of  
excess land.

(a) the total area of land held by each person representing the family;

(b) the specific parcels of land which he may retain;

(c) the land held by him in excess of the ceiling limit;

- (d) whether such excess land is held by him as a Bhumi-dhar or as an Asami;
- (e) the excess land in respect of which Bhumidhari rights may be acquired by an Asami;
- (f) the excess land which may be restored to a Bhumi-dhar; 5
- (g) the excess land which shall vest in the Government; and
- (h) such other matters as may be prescribed.

(2) For the purpose of determining the excess land under this section, any land transferred at any time during the period between 10 the 10th day of February, 1959 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by him under sub- 15 section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

Selection of  
excess land  
in cases of  
certain  
transfers.

7. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of February, 1959 and the 25th day of November, 1959, has transferred 20 during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 6 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of eight standard acres and no land shall be selected 25 out of the land transferred.

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between 10th day of February, 1959 and the 25th day of November, 1959, has transferred dur- 30 ing such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 25th day of November, 1959 and the commencement of this Act has transferred during 35 such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 6 shall be selected out of the lands held at the commencement of this Act by the

transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

(4) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

*Explanation.*—For the purposes of this sub-section, “homestead land” means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

8. (1) Where any excess land of a Bhumidhar is in his actual possession, the excess land shall vest in the Government.

Excess land  
to vest in  
Government.

(2) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire Bhumidhari rights in respect of such excess land or part thereof on payment of compensation as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of an Asami, the excess land shall vest in the Government:

Provided that in any case where the excess land or any part thereof held by a Bhumidhar together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the Bhumidhar on an application made by him in this behalf to the competent authority within such time as may be prescribed.

Publication  
of the final  
list and con-  
sequences  
thereof.

9. (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 6 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Deputy Commissioner:

Provided that the Deputy Commissioner may entertain the objection after the expiry of the said period of thirty days, if he is satisfied that the objector was prevented by sufficient cause from filing the objection in time. 5

(2) The Deputy Commissioner or any other officer authorised in this behalf by the Chief Commissioner may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list. 10

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and, subject to the provisions of this Act, 15 the list shall be final.

(4) With effect from the date of the publication of the list in the Official Gazette under sub-section (3), the excess land shall stand transferred to, and vest in, the Government free of all encumbrances or, as the case may be, the excess land shall stand restored to the Bhumidhar or the Bhumidhari rights in respect of the excess land shall stand transferred to the Asami free of all encumbrances. 20

Compensation.

10. (1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the Bhumidhar compensation the amount of which shall be equal to \* forty times the land revenue in respect of the \* \* \* \* excess land: 25

\* \* \* \*

Provided that where such excess land or any part thereof is in the possession of an Asami, the compensation in respect of the land shall be apportioned between the Bhumidhar and the Asami in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land. 30

(2) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and any trees planted thereon and such compensation shall be determined by the competent authority having regard to the market value of such structure or building or the value of such trees and shall be paid to 40

**the person who has constructed the structure or building or planted the trees.**

(3) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of excess land is void by virtue of sub-section (4) of section 7, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

(4) Where an Asami acquires Bhumidhari rights in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the Bhumidhar would have been paid as compensation under the proviso to sub-section (1) or sub-section (2), if the land had vested in the Government; and the amount shall, in the first instance, be paid to the Bhumidhar by the Government and shall be recovered from the Asami in such manner as may be prescribed.

(5) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(6) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section. \* \*

\* \* \* \*

11. (1) The compensation payable under section 10 shall be due on the date of the publication of the list in the Official Gazette under sub-section (3) of section 9 and may be paid in cash, in a lump sum or in instalments, or in bonds.

*Manner of  
payment of  
compensation.*

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding ten years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it

shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

Limit of future acquisition of land.

12. No person representing a family shall acquire in any manner whatsoever whether by transfer, exchange, lease, agreement or succession any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall, subject to the provisions of the Delhi Land Reforms Act, 1954, be treated as excess land of the transferee and the provisions of sections 6 to 11 shall, as far as may be, apply to such excess land.

Delhi Act 8 of 1954.

10

Excess land not to be surrendered in certain cases.

13. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

15

Power of Deputy Commissioner to take possession of excess land.

14. After the publication of the list of excess land under subsection (3) of section 9, and after demarcation in the prescribed manner of such land where necessary, the Deputy Commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

20

Reservation of land for certain purposes.

15. The Chief Commissioner may reserve any excess land vesting in the Government under the provisions of this Act for the benefit of the village community or for any work of public utility or for such other purposes as may be prescribed.

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Provided that where such land is not being used for the aforesaid purposes, it may be used by the Gaon Panchayat for such purposes as the Chief Commissioner may direct.

Allotment of excess land.

16. Subject to any rules that may be made in this behalf, the Chief Commissioner or any officer authorised by him may allot any excess land vesting in the Government (other than land reserved under section 15) to such persons and on such terms and conditions as he thinks fit.

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### CHAPTER III

#### MISCELLANEOUS

35

Act to override other laws.

17. Save as otherwise expressly provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of a court.

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18. Any sum payable to the Government under the provisions of this Act may be recovered in the same manner as an arrear of land revenue.

Mode of recovery of any amount due under the Act.

19. Any person aggrieved by an order made by the competent authority under section 10, may, within a period of thirty days from the date of the order, prefer an appeal to the Deputy Commissioner:

Appeal.

Provided that the Deputy Commissioner may entertain the appeal after the expiry of the said period, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

20. (1) The Chief Commissioner may, on an application for revision made to him or otherwise, call for the record of any proceeding pending before, or disposed of by, the competent authority or the Deputy Commissioner.

Revision.

15 (2) No order varying the decision of the competent authority or the Deputy Commissioner or revising the list published under section 9 which prejudicially affects any person shall be made without giving him an opportunity of being heard.

20 21. Any officer or authority while holding an inquiry or hearing an appeal or exercising powers of revision under this Act shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

Power of officers while holding inquiries, etc., under the Act.

25 (a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents and material objects;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

30 22. Subject to any conditions and restrictions that may be prescribed, any officer entrusted with the performance of any duty under this Act may, in the discharge of such duty, enter upon and survey and take measurement of any land and do all other acts necessary for carrying out his duties under this Act.

Entry upon land for purposes of survey, etc.

35 23. (1) Whoever being bound to submit a return under section 4 fails without reasonable cause to do so, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

Offences and penalties.

(2) Whoever contravenes any lawful order made under this Act or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

Finality of orders and bar of jurisdiction.

24. (1) Subject to the provisions of this Act, every order made under this Act shall be final. 5

(2) No civil court shall have jurisdiction to entertain any suit or proceeding in so far as it relates to any matter which the competent authority or the Deputy Commissioner is empowered by or under this Act to decide. 10

Protection of action taken under the Act.

25. No suit or other legal proceeding shall lie against the Government or any authority or officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Power to exempt, etc.

26. (1) The Chief Commissioner may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 3,— 15

(a) any person who holds a compact block of land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 10th day 20 of February, 1959; or

(ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Chief Commissioner, is being so efficiently managed that its break up is likely to result in 25 a fall in production:

Provided that, where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding 30 the ceiling limit;

(b) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(c) any land which is being held by a co-operative society, provided that where a member of any such society holds a 35 share in such land, his share shall be taken into account in determining his ceiling limit;

(d) any land held by a body notified by the Chief Commissioner under section 33 of the Delhi Land Reforms Act, 1954, as in force before such commencement: 40

Delhi Act of 1954.

Provided that the Chief Commissioner may entertain the application after the expiry of the said period of three months, if he is



satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (a) of sub-section (1) is transferred to another person, the Chief Commissioner may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 3 and section 12 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

10 (3) Where the Chief Commissioner is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 12,  
15 acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(4) Where any land in respect of which exemption has been  
20 granted under sub-section (1) or sub-section (2) or sub-section (3) ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Chief Commissioner may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

25 27. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. <sup>Power to make rules.</sup>

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—  
30

(a) the form in which and the period within which a return under section 4 may be submitted;

(b) the agency through which information under section 5 may be collected;

35 (c) the manner of holding inquiries under this Act;

(d) the matters which may be determined by the competent authority under sub-section (1) of section 6 and the manner of determination of excess land under the Act;

(e) the form in which a list under sub-section (3) of section 6 or sub-section (3) of section 9 may be prepared and the manner of publication of such list;

(f) the period within which an application for restoration of excess land of an Asami may be made by the Bhumidhar; 5

(g) the manner of apportionment of compensation between the Bhumidhar and the Asami in respect of any excess land in the possession of the Asami;

(h) the manner of determination of the net annual income of any excess land for the purposes of payment of compensation; 10

(i) the manner of assessment of market value of structures and buildings and the value of trees for the purpose of payment of compensation;

\* \* \* \* \* 15

(j) the number of instalments in which compensation under this Act may be paid or recovered; and the period within which bonds may be redeemed;

(k) the manner of demarcation of excess land;

(l) the purposes for which land may be reserved under section 15; 20

(m) the categories of persons to whom excess land may be allotted and the terms and conditions on which such allotment may be made;

(n) the powers of a civil court which may be vested in any officer or authority holding an inquiry; 25

(o) the conditions and restrictions subject to which an officer may enter upon any land for the purpose of survey and taking measurement;

(p) the levy of fees in respect of any matter under this Act; 30

(q) any other matter which has to be, or may be prescribed. 35

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the

expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Delhi Act 1  
of 1954.

28. In the Delhi Land Reforms Act, 1954, for section 33, the following section shall be substituted, namely:—

Amendment  
of the  
Delhi Land  
Reforms  
Act, 1954.

10       “33. \* No Bhumidhar shall have the right to transfer by  
sale or gift or otherwise any land to any person, other than a  
religious or charitable institution or any person in charge of  
15       any such Bhoodan movement, as the Chief Commissioner may,  
by notification in the Official Gazette, specify, where as a re-  
sult of the transfer, the transferor shall be left with less than  
eight standard acres in the Union territory of Delhi:

Restrictions  
on transfers  
by  
Bhumidhar.

20       Provided that the Chief Commissioner may exempt from the  
operation of this section, the transfer of any land made before  
the 1st day of December, 1958, if the land covered by such  
transfer does not exceed one acre in area and is used or intend-  
ed to be used for purposes other than those mentioned in clause  
(13) of section 3.”.

## LOK SABHA

The following Report of the Joint Committee on the Bill to consolidate and amend the law relating to land revenue in the Union territory of Manipur and to provide for certain measures of land reform was presented to Lok Sabha on the 8th February, 1960:—

**Composition of the Joint Committee**

Shri Govind Ballabh Pant—*Chairman*

## MEMBERS

*Lok Sabha*

2. Shri Bangshi Thakur
3. Shri Rungsung Suisa
4. Shri Dharanidhar Basumatari
5. Shri Etikala Madhusudan Rao
6. Shri Ghanshyamlal Oza
7. Shri Bibhuti Mishra
8. Major Raja Bahadur Birendra Bahadur Singh
9. Shri M. Gulam Mohideen
10. Shri Shobha Ram
11. Shri Raja Ram Misra
12. Shri J. B. S. Bist
13. Shri N. B. Maiti
14. Shri H. Siddananjappa
15. Shri Dasaratha Deb
16. Shri Laisram Achaw Singh
17. Shri Pramathanath Banerjee
18. Shri Tridib Kumar Chaudhuri
19. Shri Ram Chandra Majhi
20. Shri Bijaya Chandrasingh Prodhan
21. Shri B. N. Datar

*Rajya Sabha*

22. Shri Lalmayum Lalit Madhob Sharma

23. Shri Abdul Latif
24. Shrimati Seeta Yudhvir
25. Shri Braj Bihari Sharma
26. Shri Joy Bhadra Hagjer
27. Sardar Raghubir Singh Panjhazari
28. Shri V. Prasad Rao
29. Shri Kamta Singh
30. Shri Dibakar Patnaik.

DRAFTSMEN

Shri R. C. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri K. G. Viswanathan, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary.*

Shri A. L. Rai—*Deputy Secretary.*

### Report of the Joint Committee

I, the Chairman of the Joint Committee to which the \*Bill to consolidate and amend the law relating to land revenue in the Union territory of Manipur and to provide for certain measures of land reform, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 9th December, 1959. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri B. N. Datar, the Minister of State in the Ministry of Home Affairs, on the 15th December, 1959, and was discussed and adopted on the same day.

3. The Rajya Sabha discussed and concurred in the said motion on the 22nd December, 1959.

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin Part II, dated the 23rd December, 1959.

5. The Committee held five sittings in all.

6. The first sitting of the Committee was held on the 24th December, 1959, to draw up a programme of work

7. 9 memoranda/representations on the Bill were received by the Committee from different associations and individuals.

8. The Committee considered the Bill clause by clause at their sittings held on the 25th January and 5th February, 1960.

9. The Committee considered and adopted the Report on the 6th February, 1960.

10. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

11. *Enacting Formula and clause 1*—The changes are of consequential nature.

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\*Published in Part II—Section 2 of the Gazette of India Extraordinary, dated the 9th December, 1959.

12. *Clause 2.*—For the purpose of fixing ceiling limit under Chapter XI, the word 'family' has been defined in clause 138. The Committee, however, feel that for other purposes, particularly for the purposes of personal cultivation, the word 'family' should be defined. Accordingly, a new definition of family has been inserted as item (g).

Subsequent items have been re-lettered.

*Item (p) [Original Item (o)].*—The word 'judicially' has been inserted before the word 'separated' to make the intention clear.

*Item (u) [Original Item (t)].*—The amendments are clarificatory in nature.

13. *Clause 12.*—The Committee desire that while framing the rules on the subject the interests of the people with regard to the use of natural products growing on land should be kept in view.

Sub-clause (1) has been amended accordingly.

14. *Clause 14.*—The Committee feel that rules made under this clause should also provide for allotment of lands in suitable cases to persons evicted under clause 15.

Sub-clause (1) has been amended accordingly.

15. *Clause 20.*—The Committee consider that penalty of rupees five for each day during which the contravention continues may be reduced to rupees four.

Sub-clause (5) has been amended accordingly.

The other amendments made in the clause are of a drafting nature.

16. (*Original clause 21*).—The Committee feel that if during the term of settlement, water from natural sources is utilised without involving any expenditure from Government funds it would not be reasonable to levy a water rate. Clause 21 has, therefore, been omitted.

17. *Clause 22 (Original clause 23).*—The Committee think that proviso to item (c) of sub-clause (1) should apply to item (b) also.

Items (b) and (c) have accordingly been combined.

18. *Clause 25 (Original clause 26).*—The Committee recommend that while framing rules on the subject the Panchayats should also

be associated with the enquiries into profits of agriculture and the value of land used for agricultural and non-agricultural purposes.

19. *Clause 26 (Original clause 27).*—The Committee are of opinion that the power of the Administrator to issue notification for revenue survey should be exercised with the approval of the Government.

The clause has been amended accordingly.

The other amendments in the clause seek to make the intention clear.

20. *Clause 28 (Original clause 29).*—The Committee are of the view that the proviso to the clause is not necessary and should be omitted.

The proviso has been omitted accordingly.

21. *Clause 29 (Original clause 30).*—The Committee think that sub-clause (2) is not necessary and should be omitted.

Sub-clause (2) has accordingly been omitted.

22. *Clause 46 (Original clause 47).*—The amendment is clarificatory in nature.

23. *Clause 47 (Original clause 48).*—The Committee feel that imposition of fine by the Deputy Commissioner should be made discretionary according to the circumstances of the case and not compulsory in every case of neglect to report as is now required.

The clause has been amended accordingly.

24. *Clause 58 (Original clause 59).*—The amendment made in the clause is clarificatory in nature.

25. *Clause 73 (Original clause 74).*—According to the original clause 74, the defaulter or any person owning or holding an interest in the property that has been sold for recovering arrears of land revenue may apply within thirty days of the date of sale for setting aside the sale on the grounds specified in the clause. The Committee are of the opinion that there should be an enabling provision empowering the Deputy Commissioner to receive the application even after the expiry of thirty days, if the person making the application is prevented by sufficient cause from filing it within the prescribed period.



The clause has been amended accordingly.

26. *Clause 74 (Original clause 75).*—The amendments in the clause are consequential to the amendments accepted in the previous clause.

27. *Clause 75 (Original clause 76).*—The amendments in sub-clause (1) are of a clarificatory nature.

28. *(Original clause 81).*—The original clause 81 provided that it shall be lawful for the Deputy Commissioner in order to secure the payment of land revenue in respect of any land, to prohibit the reaping of any crop growing on land in respect of which land revenue is due or to require that the crops, if they have been reaped, should not be removed without the written permission of the Deputy Commissioner. The Committee are of the opinion that this provision would cause undue hardship to the cultivators.

Clause 81 has, therefore, been omitted.

29. *(Original clause 82).*—The omission of this clause is consequential to the omission of the original clause 81.

30. *Clause 96 (Original clause 99).*—The Committee think that before an order is reviewed, the opposite party should be given notice thereof.

Sub-clause (2) has been amended accordingly.

31. *Clause 98 (Original clause 101).*—The amendments in sub-clause (2) are consequential in nature.

32. *Clause 102 (Original clause 105).*—The Committee consider that the period of one month for filing objections by the tenant is not adequate and it may be extended to ninety days.

Sub-clause (1) has been amended accordingly.

33. *Clause 103 (Original clause 106).*—Sub-clause (2) of original clause 106 provided that a tenant who under any law, custom or usage is not liable to ejection on the ground that the land is required for personal cultivation shall in all cases be left with a basic holding or the land actually held by him, whichever is less. The Committee find that in Manipur there is no such custom or usage. Reference to "law" in this sub-clause would lead to complications as the Vidharba Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act was intended only to give limited protection against eviction. The Committee therefore are of the view that sub-clause (2) should be omitted.

The clause has been amended accordingly.

34. *Clause 106 (Original clause 109).*—The amendment in sub-clause (3) is of a drafting nature to make the intention clear.

35. *Clause 112 (Original clause 115).*—The Committee are of the view that the maximum rent payable by a tenant as now provided is rather high. The Committee, therefore, consider that the maximum rent payable by a tenant should be, where it is payable in kind as a share of the produce, one-fourth of the produce if the plough cattle for the cultivation of the land is supplied by the raiyat, and one-fifth if the raiyat does not so supply the plough cattle; and that in any other case it should be four times the land revenue payable in respect of the land.

The clause has been redrafted accordingly.

36. *Clause 114 (Original clause 117).*—The clause has been amended to make the intention clear.

37. *Clause 119 (Original clause 122).*—The Committee are of the view that in the context of the local conditions it will be desirable to provide that in cases where an order of eviction is made against a tenant on the ground that the land he holds as a tenant is reserved for the personal cultivation of the landowner and the effect of the execution of such an order would be to reduce the tenant's holding to less than 1·25 acres, the order should not be so executed as to diminish the tenant's holding to less than 1·25 acres, till such time as the tenant is accommodated on other land.

The clause has been amended accordingly.

The Committee also recommend that as far as possible alternative land may be provided within reasonable distance.

38. *Clause 121 (Original clause 124).*—The Committee consider that the words "or deemed to have been reserved under section 107" in item (b) of the clause are unnecessary and, therefore, have omitted it.

39. *Clause 127 (Original clause 130).*—The Committee are of the view that in the context of the local conditions, that in respect of the land declared to be the non-resumable land of the tenant the transfer of ownership should not take place for a period of 5 years from the date of such declaration if the landowner is a person who owns land not exceeding a family holding and whose income is mainly derived from such land.

The clause has been amended accordingly.

40. *Clause 129 (Original clause 132).*—The Committee desire that where payment of compensation to landowners is to be paid in annual instalments this should not exceed ten.

The clause has been amended accordingly.

The Committee also recommend that where compensation payable to a landowner is small, it may be paid in a lumpsum.

41. *Clause 138 (Original clause 141).*—The words “in accordance with the provisions of that section” were considered unnecessary and have been omitted.

42. *Clause 140 (Original clause 143).*—The amendment in the **clause is clarificatory.**

43. *Clause 141 (Original clause 144).*—The Committee recommend that the rules made with reference to clause 14 for allotment of land belonging to Government should also cover excess lands which vest in the Government.

44. *Clause 146 (Original clause 149).*—The clause has been re-drafted to make the intention clear.

45. *Clause 157 (Original clause 160).*—The clause has been re-drafted to make the intention clear.

46. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;  
The 7th February, 1960.

GOVIND BALLABH PANT,  
Chairman,  
Joint Committee.

## Minutes of Dissent

### I

I do not agree to the provision of Explanation I to clause 2(p). In my view it will create complication and debar certain genuine cultivators who may be living at a distance a little further from so called prescribed distance mentioned in the explanation. So it should be deleted.

I do not agree to the provision of twenty-five standard acres in clause 139. It is not enough for a family for it would not generally yield more than Rs. 3,000 (three thousand) as gross income which is quite a social injustice in view of the maximum income in other sectors of life. So it should be raised to forty-five acres.

NEW DELHI;

KAMTA SINGH.

*Dated the 6th February, 1960.*

### II

Generally, I am in agreement with the conclusions of the majority of the members of the Joint Select Committee on the Manipur Land Revenue and Land Reforms Bill. However, I regret I am unable to associate myself fully with the report of the majority of my colleagues in the Committee. While I support the broad policies and objectives of the Government embodied in the several provisions of the present Bill, I find it very difficult to agree to the ways and means devised to attain these objectives.

The present Bill introduces far-reaching changes in the land tenure system. There are comprehensive provisions in the Bill with regard to new and drastic measures of land reforms in the Union Territory of Manipur for regulation of rights of owners and tenants, fixation of ceilings on existing holdings and future acquisitions and prevention of fragmentation. While consolidating and codifying the law governing the land revenue administration in the territory, there are a number of radical changes introduced with regard to survey, settlement and land records as well as the assessment of land revenue. These are very good and salutary provisions. They are also quite welcome in Manipur but for the drastic nature of some of these provisions and their sudden introduction in Manipur. Judged from the comments and criticisms raised in most of the memoranda and representations from Manipur, the public are quite unaware of these provisions of the Bill and the measures introduced in it will have far-reaching consequences. It might bring about such a drastic

change in the agrarian situation that may upset the economic and social structure of Manipur. I am very anxious to avoid any such dislocation in the economic and agrarian relations though I may welcome some sudden jolt in order to rouse among the people a sense of urgency for economic development in Manipur. As a resident of Manipur, I feel that we cannot depend on agriculture for all time to come. The pressure on land should be relieved and new avenues for employment have to be discovered. The introduction of some medium industries is the need of the moment.

The Planning Commission have recommended several measures of land reforms in the whole of India. Most of the States have not yet framed legislations on ceilings of land holdings and lot of controversy is going on in several States. In respect of tenancies, the plan recommended security of tenure for the tenants subject to the landlords' right to resume a limited area for personal cultivation, reduction of rents and a right of purchase of ownership of their holdings. Legislations have been introduced in several States. There are marked variations in the degree of implementation of this land policy and only in a few States it has been effectively implemented. Manipur is situated in the distant corner of India and all these measures of land reforms have not been introduced at all and some of the provisions are altogether unknown in that part of the country. There are no intermediaries and no Zamindari or Inamdari system in Manipur and while in other parts of India steps have been taken long ago to abolish intermediaries in Manipur, no such thing has happened. In Manipur, we are undertaking this legislation without any data or statistics as such and any one can quote any data to suit his own purposes. In other parts of India, when such legislation is undertaken, some committee is set up to enquire into all the aspects of agrarian situation and to recommend ways and means with a view to cope with the local conditions. It is strange that while the census of land holding and cultivation has been carried out in all the States, the proposal for a census of land holding and cultivation for Tripura and Manipur was dropped. The size and distribution of holdings are not available and cadastral survey of the lands has just started and record of rights is being drawn up. In the absence of all these preliminaries, it is quite natural that misgivings and misapprehensions have arisen in the public mind. It has been suggested in one memorandum that small holders of one or two paris (5 acres) would be completely dispossessed as more than 60% of the total cultivated area in Manipur are in the hands of tenants on lease and the latter cannot be evicted even for personal cultivation.

4. There is a proverb "one man's meat is another man's poison". What is best for the more developed and industrialised areas of India

may not be suitable in some respects for a backward and economically undeveloped territory like Manipur. To apply all the provisions, of land reforms according to the directives of the Planning Commission which has not cared to study the local problems of Manipur on the spot are quite too much. Immense difficulties and undue hardships may result at the time of implementation of these provisions. It should have been better for the Joint Select Committee to send a fact-finding team to Manipur for ascertaining the true facts. It was rather difficult to believe without seeing. However it is a matter of great satisfaction that original clauses 21, 81, 82 and 106(2) have been totally omitted to suit local conditions and clauses 112, 119, 127, and 129 have been amended accordingly. It should be noted that this legislation will generally apply to the Manipur Valley of about 700 sq. miles out of total are 8638 sq. miles of the Union Territory. About 4 lakhs of population live in the valley and 2 lakhs of the population owning upto 75 acres might be adversely affected by the operation of clause 103. The net sown area is 2.03 lac acres only in the whole of Manipur. There are paltas of land in the hill areas and no land revenue is paid by the hill people. Average yield per acre is as high as 1,200 lbs. and Manipur is a surplus area in rice production. But agricultural price is as low as Rs. 5 to Rs. 7 per maund at Imphal. There are no industries worth the name. Under these circumstances legislation on land reforms in Manipur should take special care of the peculiar conditions prevailing there.

Of all the important points embodied in the different provisions of the Bill, the most vital and important one is about personal cultivation by landowners and their right of resumption of lands for their personal cultivation. The significance and importance of this point is so vital that on the successful implementation of the clauses regarding this point, hope and aspirations will be falsified and disappointments also would follow. A large number of tenants would now acquire the right of ownership of their non-resumable land. In other case, tenants might be evicted on resumption of lands by landowners and specially in Manipur a large number of small owners having less than the family holding of 7.5 acres would now be deprived of their alternative means of livelihood. Even if they take to cultivation personally, half of their holdings would go to the tenants as the ownership would be transferred to the latter. It will be a great blow dealt on their means of livelihood and will create a class of displaced persons for no fault of theirs. In Manipur, there is no distinction between cultivating and non-cultivating class and every one can do the personal cultivation by his own labour or the labour of any member of his family. It is a pity that small landowners who have no other substantial means of living and who lease out their

lands and take to other professions like school-teachers, petty traders, shop employees and clerical jobs would one morning find themselves dispossessed their hard-earned assets. The best course would be to allow them to resume their entire holding for personal cultivation. Because their economic circumstances are not so different from those of tenants that tenancy legislation should operate to their disadvantage. It should be however admitted that omission of sub-clause (2) in clause 103 (original clause 106) and amendment to clause 127 (Original clause 130) by addition of a proviso would go a long way in giving them substantial relief. Because, while accepting the validity of recommendations of the Planning Commission, they will be left now at least with a basic holding of 2.5 acres and for a period of five years they would continue to lease out their land and receive rent in deserving cases. The definition of personal cultivation is so wide and vague that it has created all the complications in the concepts of the "permissible limit" and the "Ceiling limit". All these complications would have been avoided if simple and clear provisions had been made by fixation of ceilings on land holdings at a lower limit.

Regarding ceilings on land holdings in clauses 136, 139, 140 and 149 of the Bill, I feel that the very purpose for which ceilings are imposed has been frustrated in several ways. The fixation of a ceiling on land holdings has been urged on two grounds, first as a measure for furthering efficient agriculture, and secondly as a means of promoting social justice. The policy in the fixation of a ceiling according to the Committee of the panel on land reforms set up by the Planning Commission would be to contribute to the following objectives: (i) meeting the widespread desire to possess land, (ii) reducing glaring inequalities in ownership and use of land, (iii) reducing inequalities in agricultural incomes, and (iv) enlarging the sphere of self-employment. It is very difficult to believe that these objectives can be fulfilled with the provisions made in the Bill.

It seems that the land reforms envisaged in this Bill will not be so effective in so far as no surplus land would be available for distribution. The date fixed on the 15th January, 1959 for purposes of determining the excess land in clause 139(2) is quite unjustified. Too much long rope has been given to landed interests. It was decided to fix this date on March 6, 1956 by the Advisory Committee for Manipur. This is the date on which for the first time tenancy reforms were introduced in Manipur. The date fixed after Nagpur Resolution is unjustified and unwarranted. In fact *malafide* transfers of land above the ceiling limit have taken place already after this date in order to avoid any future legislation and to circumscribe ceilings on

holdings. The Second Five Year Plan lays stress on the fact that suitable action should be taken in respect of *malafide* transfers. If such transfers are allowed they will defeat the very object of imposition of ceilings. So suitable amendments should be made that any transfers after 6th March, 1956 should be disregarded in determining the surplus area.

Ceilings on land holdings is a test to the land reforms and to the bonafides of the Government. In clause 136, the ceiling-limit is fixed at 25 acres for a family of five and at 50 acres in the aggregate for a family of more than five members. The Manipur Darbar by a resolution 30 years ago had prohibited acquisition of more than 10 paris or 25 acres. Increasing the limit to 50 acres as provided here is too excessive and retrograde. The agrarian feature in Manipur is such that most of the landowners are small holders. Those who own more than the ceiling limit of 50 acres will be very few and can be counted on the fingers. It is therefore necessary that the interests of small owners and the tenants can best be safeguarded by fixing a lower ceiling limit. Land hunger is strong, pressure is already high and net area sown is only 2.03 lakhs acres and land is also very fertile. There is no reason why lower ceiling limit should not be fixed having regard to all the social conditions prevailing in Manipur. In that case, I have suggested that the ceiling should be fixed at 12½ acres for a family of five and 20 acres for a family of more than five members with 2½ acres for every additional member above five. The cultivable area is so small in the valley of 7000 sq. miles, where profitable agriculture can be practised and in order to make more surplus land available it is absolutely necessary that clause 136 should be amended. In that case full resumption rights can be bestowed on the landholders.

In clause 150, so many exemptions are provided for the application of the ceiling-limit. These exemptions are unrelated to conditions prevailing in Manipur. I am of the opinion that lands under actual plantations of tea, coffee and rubber and also land actually serving dairy farms, wool raising farms which are genuine should be exempted from ceiling. But all those categories of land specified under this clause including tea, coffee, rubber and sugarcane plantations don't exist at all and exemptions of these would only lead to defeat the purpose of imposition of ceiling on one pretext or another. The only case which can be recommended for exemptions is the land which is held by a co-operative society. Any of the objects sought to be fulfilled by these sub-clauses of clause 150 can be fulfilled by starting co-operatives for specified purposes. So necessary amendments should be made under this clause.



2. Regarding payment of compensation for non-resumable lands of the tenants and excess lands provided in clauses 129 and 145 the principle has been accepted that small amounts should be paid in lump sum. But the amount should be specified. A sum of Rs. 5,40,000 is to be paid by way of compensation and it is only 1% of the total expenditure of the Union Territory. I should rather recommend that in all cases lump sum payments should be made at once.

Clause 119 provides a number of grounds for eviction of tenants. They are too numerous and vague. It is quite evident that evictions will start after passing of the Act because of the high limit of personal cultivation or cultivation by hired labour. The subsequent amendment for staying the execution of an order after sub-clause (1)(a) in case of tenants holding 1.25 acres till they are provided with alternative land is a welcome measure.

Sub-clause 1(d) should be amended so that the tenant may be allowed to pay arrears in the next harvest, because the time specified is shorter. Six months is too short and there is generally only one crop in Manipur. Some suitable amendments also should be made whereby eviction may not be started during the currency of a lease on the ground of personal cultivation. The passing of the Land Reforms Act in W. Bengal synchronised with the landlords' drive for mass eviction of share croppers and lease holders. In theory, ceiling is fixed for dispersal of holdings but in practice ceiling is fixed for eviction and expropriation of the peasantry.

So, special care should be taken in the distribution of surplus land and reclamation of cultivable waste land. Clauses 14, 15 and 141 provide for allotment of lands and distribution of excess land. Priorities should be fixed for distribution of such lands. Those who have been evicted as a result of personal resumption should be given priority. Those who have been holding less than a basic holding and landless agriculturists should equally have the next chance. The case of those who have been in occupation of the land for the past twelve years or so should be given lands in suitable cases.

Lastly, the question of assessment of land revenue and revenue survey should be examined properly. Clauses 27 and 32 provide for assistance in revenue survey and determination of revenue rates. When cost of survey is recovered from the landowner, a specific amount should be fixed to avoid any arbitrary assessment. The principle laid down in clause 32 for determination of revenue rates of agriculture land and non-agricultural lands is quite inadequate. The present rate is Rs. 9 per 2.5 acres of agricultural land. If as a result

of fresh assessment, the rate is too high, the peasantry will be hard hit. Here also a maximum rate should be fixed per pari of land. Otherwise, at the present depressed rate of agricultural produce in Manipur, agriculture is profitless and the paying capacity of the peasants does not warrant any rise in the rates of land revenue. I also strongly feel that land revenue should not make agriculture profitless. Those who own less than 2 acres of agricultural lands in Manipur should be completely exempted from payment of any land revenue. Necessary amendments have to be incorporated in order to provide for the above points.

NEW DELHI;

L. ACHAW SINGH.

*Dated the 7th February, 1960.*

### III

In general, I agree with the Bill as amended in the Joint Committee. But certain amendments made by the Joint Committee and some original provisions of the Bill—which the Committee approved, due to our honest opinion—does not serve the interest of the poorer section of the peasantry of Manipur.

In clause 106(3), we would have liked to amend it as follows:— Any transfer made on or after the 1st January, 1952 shall be disregarded in computing the permissible limit. Because, there has been much transfer of land since this period, we wanted to provide the retrospective effect from the 1st January, 1952.

The Committee have incorporated a proviso at the end of section 130, which intend to transfer the ownership of lands which are declared non-resumable to the tenants, with effect from the date of such declaration, and thereby make the tenants owner of such land, who shall be liable to pay land revenue to the Government. But, the amended proviso has negated the effect of this section. It denies the right of certain category of tenants to become the owner of the declared non-resumable land for a period of five years, this proviso definitely goes against the interest of the tenants under raiyats. I oppose this.

Besides these, there are some other points which I do not agree with. Therefore, I retain my right of moving amendments in the Houses.

NEW DELHI;

DASARATHA DEB.

*Dated the 7th February, 1960.*

Bill No. 95-1 B of 1959.

THE MANIPUR LAND REVENUE AND LAND  
REFORMS BILL, 1959

(AS REPORTED BY JOINT COMMITTEE)

(Words side-lined or underlined indicate amendments suggested by  
the Committee; asterisks indicate omissions.)

A

BILL

to consolidate and amend the law relating to land revenue in the  
Union territory of Manipur and to provide for certain measures  
of land reform.

BE it enacted by Parliament in the Eleventh Year of the Republic  
of India as follows:—

PART I

CHAPTER I.—PRELIMINARY

5 1. (1) This Act may be called the Manipur Land Revenue and Short title,  
extent and  
commence-  
ment.  
Land Reforms Act, 1960.

(2) It extends to the whole of the Union territory of Manipur.

(3) It shall come into force on such date as the Administrator  
may, by notification in the Official Gazette, appoint; and different  
10 dates may be appointed for different areas and for different provi-  
sions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Administrator" means the Administrator of the Union  
territory of Manipur;

15 (b) "agriculture" includes horticulture, the raising of annual  
or periodical crops or garden produce, dairy farming, poultry  
farming, stock breeding and grazing and pisciculture;

(c) "basic holding" means land used for agricultural pur-  
poses which is equal to 2·5 acres in area;

(d) "commencement of this Act", in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (3) of section 1;

(e) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purposes of that provision;

(f) "deputy commissioner" means the deputy commissioner of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a deputy commissioner under this Act; 1C

(g) "family", except in Chapter XI, means, in relation to a person, the wife or husband of such person, his children, grandchildren, parents and brothers, and in the case of a joint Hindu family, any member of such family;

(h) "family holding" means land used for agricultural purposes which is equal to 7.5 acres in area; 15

(i) "Government" means the Central Government;

(j) "holding" means a parcel of land separately assessed to land revenue;

(k) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof, and includes— 20

(i) the construction of tanks, wells, water channels and other works for the storage, supply and distribution of water for agricultural purposes or for the use of man and cattle employed in agriculture; 25

(ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water; 30

(iii) the preparation of land for irrigation;

(iv) the conversion of one-crop into two-crop land;

(v) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;

(vi) the erection on land or in the immediate vicinity thereof otherwise than on the village site, of a building or house for the occupation of the tenant, his family and servants or of a cattle shed, a storehouse or other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; 40 and

(vi) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;

(l) "land owner", in relation to any land, means a person who acquires rights of ownership in respect of such land under sub-section (1) of section 99 and includes the successors-in-interest of such person;

9 of 1875

(m) "minor" means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

(n) "Official Gazette" means the Manipur Gazette;

(o) "pay", "payable", and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery";

(p) "person under disability" means—

(i) a widow;

(ii) a minor;

(iii) a woman who is unmarried or who, if married, is divorced or separated from her husband or whose husband is a person falling under (iv) or (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivation by reason of physical or mental disability;

(q) "personal cultivation" with its grammatical variations and cognate expressions means cultivation by a person on his own account—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by servants or by hired labour on wages payable in cash or in kind but not as a share of produce under his personal supervision or the personal supervision of any member of his family;

*Explanation I*—Land shall not be deemed to be cultivated under the personal supervision of a person unless such person or member resides in the village in which the land is situated or in a nearby village, within a distance to be prescribed, during the major part of the agricultural season;

*Explanation II*.—In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "public purpose" includes a purpose connected with settlement of land with cultivators, tenants ejected as a result of resumption, land-less agricultural workers or co-operative farming societies;

(t) "rent" means whatever is lawfully payable, in cash or in kind or partly in cash and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(u) "tenant" means a person who cultivates or holds the land of another person under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of another person on payment of 'lousal' or under the system generally known as 'bhag', 'adhi' or 'barga';

(v) "village" means any tract of land which before the commencement of this Act was recognised as or was declared to be a village under any law for the time being in force or which may after such commencement be recognised as a village at any settlement or which the Administrator may, by notification in the Official Gazette, declare to be a village;

(w) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the Official Gazette, appoint.

## PART II

### CHAPTER II.—REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

Power to create, alter or abolish districts, sub-divisions, etc.

3. (1) The Administrator may, with the previous concurrence of the Government, by notification in the Official Gazette, divide the Union territory of Manipur into one or more districts, and may similarly divide any district into sub-divisions and tehsils, and may alter the limits of, or abolish, any district, sub-division or tehsil.

(2) The districts, sub-divisions and tehsils existing at the commencement of this Act shall continue respectively to be the districts, sub-divisions and tehsils under this Act unless otherwise provided under sub-section (1).

Appointment of revenue officers.

4. The Government or such officer as may be authorised by the Government in this behalf, may appoint the following classes of revenue officers, namely:—

(a) deputy commissioner;

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- (b) additional deputy commissioner;
- (c) director of settlement and land records;
- (d) sub-divisional officers;
- (e) extra-assistant commissioners;
- (f) survey and settlement officers;
- (g) assistant survey and settlement officers;
- (h) sub-deputy collectors;
- (i) revenue inspectors;
- (j) *amins*;
- (k) such other village officers and servants as may be specified by rules made under this Act.

5. (1) Each district shall be placed under the charge of a deputy commissioner who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the deputy commissioner under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

(2) The additional deputy commissioner shall exercise all such powers and perform all such duties of the deputy commissioner or other revenue officer as the Administrator may specify by notification in the Official Gazette.

(3) Each sub-division shall be placed under the charge of a sub-divisional officer.

(4) The extra-assistant commissioners shall exercise all such powers and perform all such duties of the deputy commissioner or other revenue officer as the Administrator may specify by notification in the Official Gazette.

(5) Each tehsil shall be placed under the charge of a sub-deputy collector.

(6) The duties and powers of the sub-divisional officers, the sub-deputy collectors and other revenue officers shall be such as may be imposed or conferred on them by or under this Act or any other law in force for the time being or any general or special order of the Administrator published in the Official Gazette.

6. The officers specified in items (c), (f) and (g) of section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of revenue rates and the preparation and maintenance of land records and other registers and shall

Deputy commissioner and certain other revenue officers.

Settlement officers.

exercise all such powers and perform all such duties as may be prescribed by any general or special order of the Administrator published in the Official Gazette.

Subordina-  
tion of  
revenue  
officers.

7. All revenue officers shall be subordinate to the Administrator and all revenue officers in the district or a sub-division shall be subordinate to the deputy commissioner or the sub-divisional officer, as the case may be. 5

Combination  
of offices.

8. It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter, to make any appointment by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the deputy commissioner. 10

Notification  
of appoint-  
ments.

9. All appointments made under this Chapter except appointments of revenue inspectors and village accountants and other village officers and servants shall be notified in the Official Gazette. 15

Seals.

10. The Administrator shall, from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use. 20

### CHAPTER III.—LAND AND LAND REVENUE

Title of  
Government  
to lands, etc.

11. (1) All lands, public roads, lanes and paths and bridges, ditches, dikes and fences on or beside the same, the beds of rivers, streams, *nallahs*, lakes and tanks, and all canals and water courses, and all standing and flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are and are hereby declared to be the property of the Government. 25

(2) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, minerals and mineral products shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights. 30

(3) Where any property or any right in or over any property is claimed by or on behalf of the Government or by any person as against the Government and the claim is disputed, such dispute shall be decided by the deputy commissioner whose order shall, subject to the provisions of this Act, be final. 35

(4) Any person aggrieved by an order made under sub-section (3) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such 40



order, and the decision of the civil court shall be binding on the parties.

12. (1) The right to all trees, jungles or other natural products <sup>Right to</sup> growing on land set apart for forest reserves and to all trees, brush <sup>trees,</sup> wood, jungle or other natural product, wherever growing, except in <sup>forests, etc.</sup> so far as the same may be the property of any person, vests in the Government, and such trees, brush wood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

(2) All road-side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government vest in the Government.

13. Subject to rules made in this behalf under this Act, the deputy commissioner may set apart land belonging to the Government for pasturage for the village cattle, for forest reserves or for any other purpose. <sup>Assignment of land for special purposes.</sup>

14. (1) The deputy commissioner may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act; and such rules may provide for allotment of land to persons evicted under section 15. <sup>Allotment of land.</sup>

(2) The Administrator shall have power—

(a) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed, or

(b) to entrust the management of any such land or any rights therein to the Gram Panchayat of the village established under any law for the time being in force.

15. (1) Any person who occupies or continues to occupy any land belonging to Government without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may from time to time fix for the <sup>Unauthorized occupation of land.</sup>

purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual assessment on such land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

(3) Upon payment of the penalty referred to in sub-section (2), the trespasser shall have the right of tending, gathering and removing any ungathered crops.

Liability of  
land to land  
revenue.

16. (1) All lands, to whatever purpose applied, are liable to payment of land revenue to the Government.

(2) The Administrator may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with any law for the time being in force or the rules made under this Act.

Alluvial  
lands.

17. All alluvial lands, newly formed islands, or abandoned river beds, which vest under any law for the time being in force in any holder of land shall be subject in respect of liability to land revenue to the same privileges, conditions and restrictions as are applicable to the original holding by virtue of which such lands, islands or river beds vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands or river beds unless the area of the same exceeds one acre.

Land revenue in case  
of diluvion.

18. Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion thereof, not being less than one acre in extent, is lost by diluvion.

Assessment  
of land to  
land revenue.

19. (1) The assessment of land revenue on any land shall be made or deemed to have been made with respect to the use of the land—

- (a) for purposes of agriculture,
- (b) for industrial or commercial purposes,
- (c) as sites for dwelling houses, and
- (d) for any other purpose.

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Act.

20. (1) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose except agriculture, he shall apply for permission to the competent authority which may, subject to the provisions of this section and to the rules made under this Act, refuse permission or grant it on such conditions as it may think fit. Diversión of land.

(2) Permission to divert may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure, in addition, that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.

(4) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert had been made.

(5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The competent authority may also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.

*Explanation.*—"Diversión" in this section means using land assessed to one purpose for any other purpose, but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

\* \* \* \* \*

Remission or suspension of revenue on failure of crops.

21. The Administrator may, in accordance with the rules made in this behalf under this Act, grant a remission or suspension of land revenue in years in which crops have failed in any area.

Responsibility for payment of land revenue.

22. (1) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—

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(a) the person to whom the land belongs; and

(b) the tenant or any other person \* \* \* in possession of the land, provided that such tenant or other person shall be entitled to credit from the owner of the land, for the amount paid by him.

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(2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

Receipt for land revenue.

23. Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same.

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#### CHAPTER IV—SURVEY AND SETTLEMENT OF LAND REVENUE

Definitions of "revenue survey", "settlement" and "term of settlement".

24. The operations carried out in accordance with the provisions of this Chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey", the results of the operations are called a "settlement" and the period during which such results are to be in force is called the "term of settlement".

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Inquiry into profits of agriculture.

25. (1) As soon as may be after the commencement of this Act, the Administrator shall take steps to institute and shall cause to be constantly maintained, in accordance with the rules made under this Act, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

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(2) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—

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(a) the depreciation of stock and buildings;

(b) the money equivalent of the labour and supervision by the cultivator and his family;

(c) all other expenses usually incurred in the cultivation of the land which is under inquiry; and

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(d) interest on the cost of buildings and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

26. Whenever the Administrator thinks it expedient so to do, he may, with the approval of the Government, by notification in the Official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights.

Revenue survey.

27. A survey officer deputed to conduct or take part in any revenue survey may, by special order or by general notice to be published in the prescribed manner, require the attendance of holders of lands to assist in the measurement or classification of the lands to which the revenue survey extends and, when hired labour is employed for purposes incidental to the revenue survey, may assess and apportion the cost thereof on the lands surveyed, for collection as land revenue due on such lands.

Power to require assistance from landholders.

28. Subject to the rules made in this behalf under this Act, the survey officer may—

Survey numbers and villages.

(a) divide the lands to which the revenue survey extends into survey numbers and group the survey numbers into villages; and

(b) recognise the existing survey numbers, reconstitute them or form new survey numbers.

\* \* \* \*

29. \*The survey officer may sub-divide survey numbers into as many sub-divisions as may be required in the manner prescribed.

Division of survey numbers into sub-divisions.

\* \* \* \*

30. The Administrator may at any time direct the determination or the revision of the revenue rates for all lands in any area of which a revenue survey has been made.

Determination of revenue rates.

31. It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register to be called the "settlement register", showing the area and assessment of each survey number, with any

Preparation of statistical and fiscal records.

other particulars that may be prescribed, and other records in accordance with such orders as may from time to time be made in this behalf by the Administrator.

Revenue-rates how determined.

32. For the purpose of determining the revenue-rates, the settlement officer may divide any area into units and in forming such units, he shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of lands in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

Publication of table of revenue-rates.

33. (1) The settlement officer shall prepare a table of revenue rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(2) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.

(3) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

Confirmation of the table of revenue-rates.

34. (1) The Administrator may confirm the table of revenue-rates submitted to him by the settlement officer with such modifications, if any, as he may consider necessary.

(2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the Official Gazette.

Rates of revenue to form part of settlement register.

35. The table of revenue-rates published under section 34 shall be incorporated in and form part of the settlement register of the village.

Introduction of revenue-rates.

36. When the revenue-rates \* \* are determined under this Chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue-rates under section 34.

37. (1) When the table of revenue-rates for any area has been finally published, the rates specified therein shall remain in force for a period of thirty years. Duration of revenue-rates.

(2) Notwithstanding anything contained in sub-section (1),—

5 (a) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of revenue-rates was introduced, in such manner and to such extent as may be prescribed;

10 (b) when the circumstances of a local area are such that a fresh determination of the revenue-rates \* \* is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

38. (1) The settlement officer shall calculate the assessment on each holding in accordance with the revenue-rates confirmed and finally published under section 34 and such assessment shall be the fair assessment. Assessment on holdings.

20 (2) The settlement officer shall have the power to make fair assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue-free.

(3) The fair assessment of all lands shall be calculated in accordance with rules made in this behalf and having regard to the following principles, namely:—

25 (a) no regard shall be had to any claim to hold land on privileged terms;

30 (b) regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held;

35 (c) where any improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

Additional  
assessment  
for water  
advantages.

39. Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which the rate of revenue has been determined shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the table of revenue-rates came into force and not effected by or at the expense of the holder of the land. 5

Continuance  
of survey  
operations  
and rates in  
force at com-  
mencement  
of Act.

40. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Chapter, and all revenue-rates \* \* in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised revenue-rates; and such revised revenue-rates may be introduced at any time, notwithstanding anything contained in section 37. 10 15

Power of  
deputy  
commissioner  
to correct  
errors, etc.

41. (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the deputy commissioner or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette. 20

(2) The deputy commissioner may at any time during the term of settlement correct any error in the area or the assessment of any survey number or sub-division due to a mistake of survey or arithmetical miscalculation: 25

Provided that no arrear of land revenue shall become payable by reason of such correction.

#### CHAPTER V.—LAND RECORDS

30

Preparation  
of record of  
rights.

42. It shall be the duty of the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Act.

Publication  
of the record  
of rights.

43. (1) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any 35



objections which may be made to any entry therein or to any omission therefrom during the period of such publication.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall  
5 cause the record to be finally published in the prescribed manner.

(3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

44. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry  
10 which is recorded in the record of rights. Jurisdiction of civil courts.

45. The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record which he is satisfied has been made owing to a *bona fide* mistake.  
Correction of bona fide mistake in register.

15 46. (1) There shall be maintained for every village a register of mutations in such form and in such manner as may be prescribed. Register of mutations.

(2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift or otherwise any right in land or, where such person acquiring the right is a minor or otherwise dis-  
20 qualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the competent authority within three months from the date of such acquisition and such authority shall give at once a written acknowledgement in the prescribed form for such report to the person making it

25 (3) The competent authority shall enter the substance of every report made to it under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which it has reason to believe to have taken place and of which a report has not been  
30 made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom it has reason to believe to be interest-  
35 ed therein.

(4) Should any objection to any entry made under sub-section (3) in the register of mutations be made either orally or in writing to

the competent authority, the particulars shall be entered in the register of disputed cases and shall at once give a written acknowledgement in the prescribed form for the objection to the person making it.

(5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by the competent authority.

(6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for neglect to furnish information.

47. The deputy commissioner may, if he is of opinion that any person has wilfully neglected to make the report required by section 46 within the prescribed period, impose on such person a penalty not exceeding twenty-five rupees.

15

Assistance in preparation of maps.

48. Subject to the rules made under this Act,—

(a) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of the survey officer under section 27 except the power of assessing the cost of hired labour; and

(b) any revenue officer not below the rank of \*sub-divisional officer may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

Certified copies

49. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fee as may be prescribed.

Maps and other records open to inspection.

50. Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

30

Power to transfer duty of maintaining maps and records to settlement officer,

51. When a local area is under settlement, the duty of maintaining the maps and records may, under the orders of the Administrator, be transferred from the deputy commissioner to the settlement officer.

35

## CHAPTER VI.—BOUNDARIES AND BOUNDARY MARKS

52. The boundaries of villages, survey numbers, sub-divisions and fields shall be fixed and all disputes relating thereto shall be determined by survey officers or by such other officers as may be appointed by the Administrator for the purpose, in accordance with the rules made in this behalf.

Determination of village boundaries.

53. (1) The settlement of a boundary under this Chapter shall be determinative—

Effect of settlement of boundary.

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the deputy commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

54. It shall be lawful for any survey officer authorised in this behalf to specify or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or sub-divisions and to assess all charges incurred thereby on the holders or others having an interest therein.

Construction and repair of boundary marks.

55. The boundary marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules made under this Act, be determined by the deputy commissioner or other officer appointed for the purpose.

Description of boundary marks.

56. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks.

Responsibility for maintaining boundary marks.

57. After the introduction of survey and settlement in a district, the charge of the boundary marks shall devolve on the deputy commissioner, and it shall be his duty to take measures for their construction, laying out, maintenance and repair.

Deputy commissioner to have charge of boundary marks.

Penalty for  
injuring  
boundary  
marks.

58. Any person wilfully erasing, removing or injuring a boundary mark shall be liable to such penalty not exceeding fifty rupees as the competent authority may impose.

CHAPTER VII.—REALISATION OF LAND REVENUE AND OTHER  
PUBLIC DEMANDS

5

Land re-  
venue to be  
first charge.

59. Land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

Payment of  
land re-  
venue.

60. Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

Arrear of  
land  
revenue.

61. (1) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the persons responsible for the payment become defaulters. <sup>10</sup>

(2) A statement of account certified by the sub-deputy collector shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter: <sup>15</sup>

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority. <sup>20</sup>

Recovery of  
arrears.

62. An arrear of land revenue may be recovered by any one or more of the following processes, namely:—

(a) by serving a written notice of demand on the defaulter;

(b) by distraint and sale of the defaulter's movable property, including the produce of the land; <sup>25</sup>

(c) by the attachment and sale of the defaulter's immovable property.

Notice of  
demand.

63. The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be such as may be prescribed. <sup>30</sup>

Distraint  
and sale of  
movable  
property.

64. (1) The distraint and sale of the movable property of a defaulter shall be made by such officers or class of officers, in such manner and in accordance with such procedure, as may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use. <sup>35</sup> 5 of 1908.

65. (1) When the deputy commissioner is of opinion that the processes referred to in clauses (a) and (b) of section 62 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.

Sale of immovable property.

(2) The deputy commissioner may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

66. (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the deputy commissioner or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; the notices and proclamations shall also be published in such manner as may be prescribed.

Notice of sale.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

67. All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed.

Sale to be by auction

68. No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property except on behalf of the Government.

Prohibition to bid at auction.

69. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

Sale of perishables.

70. Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

Sales not to be excessive.

71. In all cases of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent. of the amount of his bid, and the balance within fifteen days of the date of sale.

Deposit by purchaser of immovable property.

72. (1) In default of the payment of deposit referred to in section 71, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.

Failure to make deposit.

(2) In default of payment of the balance of the bid amount within the period prescribed in section 71, the deposit after defraying therefrom the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.

(3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

Setting  
aside sale.

73. Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the deputy commissioner may for sufficient cause allow, apply in the prescribed manner to the deputy commissioner to have the sale set aside—

(a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or

(b) on his depositing in the deputy commissioner's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser a sum equal to five per cent. of the purchase money.

Confirma-  
tion of sale.

74. If, on the expiration of 30 days from the date of sale of any immovable property or of the further period, if any, allowed under section 73, no application has been made for setting aside the sale, or if any such application has been made and rejected, the deputy commissioner shall make an order confirming the sale unless, for reasons to be recorded, the deputy commissioner sets aside the sale notwithstanding that no application therefor has been made.

Refunds.

75. (1) The deputy commissioner shall order the refund and payment to the purchaser, of—

(a) the amounts deposited by him under section 71; and

(b) the sum equal to 5 per cent. of the purchase money deposited under clause (b) of section 73;

if the sale is not confirmed or is set aside.

(2) The deputy commissioner shall order the refund and payment of all the monies deposited under clause (b) of section 73 to the person who made the deposit, if the sale is confirmed:

Provided that the deputy commissioner may set off the whole or any part of any such monies against any arrear of land revenue or any other amount recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

Certificate  
of purchase.

76. When a sale held under this Chapter is confirmed, the deputy commissioner shall put the person declared to be the purchaser in

possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

- 5     77. The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose  
10 property has been sold. Application of proceeds of sale.

78. The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale. Liability of certified purchaser.

- 15     79. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the deputy commissioner may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived  
20 or not. Precautionary measures in certain cases.

\* \* \* \* \*

80. The following monies may be recovered under this Act in the same manner as an arrear of land revenue, namely:— Recovery of other public demands.

- (a) rent, fees and royalties due to the Government for use or  
25 occupation of land or water or any product of land;

(b) all monies falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as an arrear of land revenue;

- (c) all sums declared by this Act or any other law for the  
30 time being in force to be recoverable as an arrear of land revenue.

#### CHAPTER VIII.—PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

81. (1) A revenue officer, while exercising power under this Act or any other law for the time being in force to inquire into or to decide  
35 any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court. Revenue officers to be courts.

(2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders  
40 as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

Place of  
hearing.

82. Except for reasons to be recorded in writing, no revenue officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction:

Provided that a sub-divisional officer may inquire into or hear any case at the headquarters of the district to which he is appointed. 5

Power to  
enter upon  
and survey  
land.

83. All revenue officers and persons acting under their orders may, enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may 10 require.

Power to  
transfer  
cases.

84. (1) The Administrator may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it. 15

(2) The deputy commissioner or a sub-divisional officer may transfer any case or class of cases arising under this Act or any other law, for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him competent to deal 20 with such case or class of cases.

Power to  
take  
evidence,  
summon  
witnesses,  
etc.

85. (1) Every revenue officer not lower in rank than a sub-deputy collector acting as a revenue court shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the 25 purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.

(2) Every summons shall be in writing, signed and sealed by the 30 officer issuing it and shall be in such form and be served in such manner as may be prescribed.

Compelling  
attendance  
of witnesses.

86. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under 35 section 85 may—

- (a) issue a bailable warrant of arrest;
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding rupees twenty.



87. (1) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.

Hearing on  
absence of  
party.

(2) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case or proceeding may be heard and determined in his absence or may be dismissed for default.

10 (3) The party against whom any order is passed under sub-section (1) or (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice to the  
15 opposite party and after making such inquiry as he considers necessary, set aside the order passed.

88. (1) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

Adjournment  
of hearing.

(2) The date and place of an adjourned hearing shall be intimated  
20 at the time of the adjournment to such of the parties and witnesses as are present.

89. A revenue officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

Power to  
order pay-  
ment of  
costs

25 90. Where any order is passed under the provisions of this Act directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be  
30 prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

Use of  
force.

91. All appearances before, applications to and acts to be done before, any revenue officer under this Act or any other law for the  
35 time being in force may be made or done by the parties themselves or by their authorised agents or by any legal practitioner:

Appearances  
before and  
applications  
to revenue  
officers.

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person.

Correction  
of error or  
omission.

**92.** Any revenue officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary.

5

Appeals.

**93. (1)** Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act,—

(a) if such an order is passed by an officer subordinate to the sub-divisional officer, to the sub-divisional officer;

(b) if such an order is passed by the sub-divisional officer, to the deputy commissioner;

(c) if such an order is passed by the deputy commissioner, to the Administrator;

(d) if such an order is passed by an assistant survey and settlement officer, to the survey and settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority; and

(e) if such an order is passed by a survey and settlement officer, to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority.

**(2)** A second appeal shall lie against any order passed in first appeal,—

(a) if such an order is passed under clause (a) of sub-section (1), to the deputy commissioner;

25

(b) if such an order is passed under clause (b) of sub-section (1), to the Administrator;

(c) if such an order is passed under clause (d) of sub-section (1), to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the second appellate authority; and

(d) if such an order is passed under clause (e) of sub-section (1), to the Administrator.

Limitation  
of appeals.

**94. (1)** No appeal shall lie,—

(a) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and

(b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

35

(2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

Revision.

95. The Administrator or the deputy commissioner may, at any time, either on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.

96. (1) A revenue officer may, either on his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:

Review of orders.

Provided that a revenue officer subordinate to the deputy commissioner shall, before reviewing any order under this section, obtain the permission of the deputy commissioner and the deputy commissioner shall, before reviewing an order passed by any of his predecessors-in-office, obtain the permission of the Administrator.

(2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party, and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(3) No order shall be reviewed except on the following grounds, namely:—

- (i) discovery of new and important matter of evidence; or
- (ii) some mistake or error apparent on the face of the record; or
- (iii) any other sufficient reason.

(4) For the purposes of this section, the deputy commissioner shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

(5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.

Stay of  
execution  
of orders.

97. (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.

(2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit. 5

(3) The revenue officer or other authority directing such stay of execution of any order may impose such condition, or order such security to be furnished, as he or it may think fit. 10

Power to  
make rules.

98. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals; 15

(b) the deputy commissioner's powers of superintendence and control over other officers; 20

(c) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them;

(d) the disposal of Government lands by assignment or grant to individuals or to public purposes and the terms and conditions subject to which such assignments or grants may be made; 25

(e) the preservation and disposal of trees, brush wood jungle and other natural products on Government land and the recovery of the value of trees or other natural product unauthorisedly appropriated by persons; 30

(f) the procedure for summary eviction of trespassers on Government land;

(g) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture; 35

(h) the grant of permission to use agricultural land for non-agricultural purposes;

(i) the determination of additional rates for use of water;

- (j) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;
- (k) the form of receipt for payment of land revenue;
- 5 (l) the conduct of surveys and settlements of land revenue;
- (m) the manner of estimating the cost of cultivation and other expenses in relation to the inquiry into profits of agriculture;
- 10 (n) the division of survey numbers into sub-divisions \* \* and the assessment of sub-divisions;
- (o) the statistical, fiscal and other records and registers to be prepared and maintained under this Part;
- 15 (p) the manner in which the costs and expenses incidental to revenue survey or the construction, repair and maintenance of boundary marks shall be determined and apportioned between persons who are liable to bear the same;
- (q) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputes relating thereto;
- 20 (r) the division of areas into units for determining the revenue-rates \* and the preparation of the table of revenue-rates;
- (s) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;
- 25 (t) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;
- (u) the manner and extent of alteration or revision of revenue-rates during the term of settlement;
- 30 (v) the correction of *bona fide* errors and mistakes in the revenue records, registers and maps prepared under this Part;
- (w) the manner in which the average yield of crops of land shall be ascertained;
- 35 (x) the manner of holding inquiries by revenue officers under this Part;
- (y) the application of the provisions of the Code of Civil Procedure, 1908, to cases and proceedings before a revenue court;

(z) the form of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their service;

(aa) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII; 5

(bb) the manner of publication of notices and proclamations of attachment and sale of property;

(cc) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined; 10

(dd) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;

(ee) the circumstances in which precautionary measures for securing the land revenue under section 79 may be taken;

(ff) the procedure for the transfer of cases from one revenue officer to another; 15

(gg) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefor; 20

(hh) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;

(ii) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order; 25

(jj) any other matter that is to be or may be prescribed.

### PART III

#### CHAPTER IX.—RIGHTS OF LANDOWNERS

30

Accrual of  
rights of  
landowners.

99. (1) Every person who, at the commencement of this Act, holds any land from the Government for agricultural purposes, whether as a settlement-holder or as a *pattadar* and his successors-in-interest shall, subject to the provisions of sub-section (2), become the owner thereof as and from such commencement. 35

(2) No rights shall accrue under sub-section (1) in respect of lands which—

(i) are a part of the bed of a river, a *nallah*, a stream or a public tank, or

(ii) have been acquired by the Government for any purpose according to the provisions of any law in force for the time being relating to acquisition of land, or

5 (iii) have been used at any time during the five years immediately preceding the commencement of this Act for any public, community or village purpose, or

(iv) are declared by the Administrator by notification in the Official Gazette as reserved or required for any public, community or village purpose.

10 (3) Objections to the accrual of rights under sub-section (1) may be filed before the competent authority within such time and in such form and manner as may be prescribed by any person who has interest or claims to have an interest in the land either in his individual capacity or as a member of the village or community.

15 (4) Should any objection be made under sub-section (3), the competent authority shall inquire into the objection in such manner as may be prescribed and decide the same.

(5) Subject to the provisions of this Act, the decision of the competent authority shall be final.

20 (6) Every person who at the commencement of this Act holds land from the Government for a purpose other than agriculture shall, subject to sub-section (2), be entitled to the settlement of that land on such terms and conditions as may be prescribed.

(7) Nothing in this section shall entitle any person to the sub-  
25 soil rights in respect of the land, of which he has become the landowner under sub-section (1), or which has been settled with him under sub-section (6).

100. (1) Every person who has become a landowner under sub-  
section (1) of section 99 shall— Rights of  
landowner.

30 (a) have permanent, heritable and transferable rights in the land;

(b) be entitled by himself, his servants, tenants, agents or other representatives to erect farm buildings, construct wells or tanks or make any other improvements thereon for the better  
35 cultivation of the land or its convenient use;

(c) be entitled to plant trees on the land, to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on the land.

(2) Nothing in sub-section (1) shall entitle a landowner to use his land to the detriment of any adjoining land which is not his or 5 in contravention of the provisions of any other law for the time being in force applicable to such land.

**Reservation of land for personal cultivation.**

**101.** (1) Every landowner, who, at the commencement of this Act, owns land in excess of a basic holding shall be entitled to apply to the competent authority for the reservation for his personal cultivation of any parcel or parcels of his land leased to tenants. 10

(2) Every application under sub-section (1) shall be in the prescribed form and shall be made in the prescribed manner within a period of one year from such commencement.

*Explanation.*—In the case of a person under disability, the application shall be made by his guardian or his authorised agent, as the case may be. 15

**Procedure for reservation of land.**

**102.** (1) On receipt of an application made under section 101, the competent authority shall issue notice together with a copy of the application to each of the tenants holding land from the applicant 20 requiring the tenant to submit his objections, if any, within a period of ninety days from the date of service of such notice or within such further period as the competent authority may allow.

(2) A tenant on whom a notice has been served under sub-section (1) shall furnish to the competent authority within the period 25 specified details of lands owned by him or held as tenant of any other landowner and of lands which he selects for retention by him.

(3) The competent authority shall, after considering the objections and the details, if any, furnished by the tenants and after making such inquiry as it may consider necessary, determine the land or 30 lands not exceeding the permissible limit, which in its opinion having regard to all the circumstances of the case may be reserved for personal cultivation of the landowner and the lands which each of his tenants may be allowed to retain.

**“Permissible limit” defined.**

**103.** (1) In section 102, “permissible limit” means an area of land 35 which a landowner may resume from tenants for personal cultivation, that is to say,—

(a) in the case of a person under disability, 25 acres;



(b) in the case of any other person who—

(i) owns a basic holding or less, the entire area owned by him;

5 (ii) owns more than a basic holding but not exceeding a family holding, one-half of the area leased to tenants or the area by which the land under his personal cultivation falls short of a basic holding, whichever is greater;

(iii) owns more than a family holding—

10 (1) if he has no land, or any land which is less than a family holding under his personal cultivation, one-half of the area leased to the tenant but not exceeding the area by which land under his personal cultivation falls short of a family holding, provided that the tenant is  
15 left with not less than a basic holding and provided further that a landowner shall in any case be entitled to resume an area by which land under his personal cultivation falls short of a basic holding; and

20 (2) if he has a family holding or more under his personal cultivation, the area leased to any tenant in excess of a family holding but not exceeding the area by which land in his personal cultivation falls short of 25 acres.

*Explanation.*—For the purpose of determining the permissible limit of a landowner under this sub-section, any non-resumable land  
25 which he may hold as a tenant shall also be taken into account.

\* \* \* \*

(2) Any transfer of land made on or after the 6th day of March 1956, shall be disregarded in computing the permissible limit.

104. In the case of a person who, at the commencement of this Act, does not own land in excess of a basic holding, all lands owned by  
30 him and held by tenants shall be deemed to have been reserved for his personal cultivation.

Land deemed to be reserved for personal cultivation in certain cases.

*Explanation.*—Any transfer of land made on or after the 6th day of March, 1956, shall be disregarded in determining the extent of land owned by a person at the commencement of this Act.

35 105. The competent authority shall declare every land which, under sub-section (3) of section 102, a tenant is allowed to retain to be the non-resumable land of the tenant.

Non-resumable land.

Right to  
lease.

106. (1) Subject to the provisions of this Act, a landowner may lease out his land to another person on such rent not exceeding the maximum rent referred to in section 112 as may be agreed upon between him and such person.

(2) Every lease of land made after the commencement of this Act shall be for a period of five years and at the end of the said period, and thereafter at the end of each period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the same terms and conditions, except to the extent that a modification thereof consistent with this Act is agreed to by both parties.

(3) In respect of any lease made after the commencement of this Act, a landowner who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the tenant three months' notice in writing before the expiry of any year, and any other landowner may by giving the tenant one year's notice in writing before the expiry of any term of five years, terminate the tenancy if the landowner requires the land *bona fide* for personal cultivation by him.

Land left un-  
cultivated.

107. (1) Where the deputy commissioner is satisfied that any land has remained uncultivated for a period not less than two consecutive years otherwise than in accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring the full and efficient use of the land for agriculture to do so, he may after making such inquiry as may be prescribed lease out the land in accordance with the rules made under this Act.

(2) Any lease made under sub-section (1) shall be deemed to be a lease made by the landowner under sub-section (1) of section 106

Relinquish-  
ment.

108. (1) Subject to any rules that may be made under this Act, a landowner may relinquish his rights in respect of any land in his possession in favour of Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon, he shall cease to be a landowner in respect of that land from the year next following the date of notice:

Provided that relinquishment of only a part of a holding or of a holding which, or part of which, is subject to an encumbrance or a charge, shall not be valid.

(2) If any person relinquishes his rights to a land under subsection (1), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

5

## CHAPTER X.—RIGHTS OF TENANTS

109. (1) The interest of a tenant in any land held by him as such shall be heritable but, save as otherwise provided in this Act, shall not be transferable.

Interest of tenants.

(2) No tenant shall be evicted from his land except as provided in this Act.

110. It shall be lawful for a tenant to create a simple mortgage or create a charge on his interest in the land leased to him in favour of the Government or a co-operative society in consideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan.

Right to create a mortgage or charge.

111. A tenant may, with the permission in writing of the landowner, or if permission is refused without sufficient reason or not given within two months, after obtaining the order of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

Right to make improvements.

112. The rent payable by a tenant in respect of any land held by him shall not exceed,—

Maximum rent.

(a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the landowner and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the landowner;

(b) in any other case, four times the land revenue payable in respect of the land.

Payment of  
rent.

113. (1) The rent payable by a tenant shall, subject to the provisions of section 112, be the rent agreed upon between him and the landowner or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may have been agreed upon or in the absence of such agreement, as 5 may be prescribed.

Reasonable  
rent.

114. (1) The competent authority may, on application made to it in this behalf by the landowner or the tenant, determine the reasonable rent for any land.

(2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as may be prescribed.

(3) In determining the reasonable rent, the competent authority shall have regard to—

(a) the rental value of lands used for similar purposes in the locality; 15

(b) the profits of agriculture of similar lands in the locality;

(c) the price of crops and commodities in the locality;

(d) the improvements, if any, made to the land by the landowner or the tenant; 20

(e) the land revenue payable in respect of the land; and

(f) any other factor which may be prescribed.

(4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely:— 25

(a) that the quality of the land has deteriorated by flood or other natural causes;

(b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the landowner; 30

(c) that the land has been partially or wholly rendered unfit for cultivation.

(5) Nothing in sub-sections (1) to (4) shall affect the right of the Government to make an order directing the determination of the reasonable rent of lands in any specified area. 35

115. (1) In any case in which rent is payable in kind, the landowner or the tenant may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

Commutation of rent payable in kind.

5 (2) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 112.

(3) In determining the money rent, regard shall be had to—

10 (a) the average money, rent payable by tenants for and of similar description and with similar advantages in the vicinity;

(b) the average value of the rent actually received by the landowner during the three years preceding the date of application;

15 (c) the average prices of crops and commodities in the locality during the three years preceding the date of application;

(d) the improvements, if any, made to the land by the landowner or the tenant; and

20 (e) any other factor which may be prescribed.

116. Every landowner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed duly signed by him or his authorised agent.

Receipt for payment of rent.

25 117. If any landowner recovers from a tenant rent in excess of the amount due under this Act, he shall forthwith refund the excess amount so recovered and shall also be liable to punishment as provided in this Act.

Refund of rent recovered in excess.

118. (1) Where a landowner has obtained from or been granted by the Government any relief by way of suspension or remission, whether in whole or in part, of the land revenue payable in respect of his land, he shall be bound to give and the tenant concerned shall be entitled to receive from the landowner a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

Suspension or remission of rent.

35 (2) The nature and extent of the relief which a landowner is bound to give and which the tenant is entitled to receive under subsection (1) shall be determined in accordance with the rules made under this Act.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a landowner of any rent the payment of which has been remitted, or during the period for which the payment of such rent has been suspended, under this section.

(4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(5) If any landowner fails to suspend or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the tenant the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Act.

Eviction of  
tenant.

119. (1) No person shall be evicted from any land held by him as tenant except under the order of the competent authority made on any of the following grounds, namely:—

(a) that the land has been reserved for personal cultivation of the landowner under section 102, or is deemed to have been reserved for personal cultivation of the landowner under section 104;

20

(b) that a notice has been given to the tenant under sub-section (3) of section 106;

(c) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(d) that the tenant has failed to pay rent within a period of three months after it falls due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent;

(e) that the tenant, not being a person under disability, has after the commencement of this Act, sub-let the land without the consent in writing of the landowner.

(2) No order for eviction of a tenant shall be executed till the standing crops, if any, on the land are harvested.

(3) Where any order for eviction has been made against a tenant on the ground specified in clause (a) of sub-section (1), then, notwithstanding such order, the tenant shall, until he is provided with alternative land in accordance with the rules made in this behalf, be entitled to retain possession of—

(i) the entire land held by him as a tenant, in any case where the area of tenancy together with any other land held by him does not exceed 1·25 acres in area; and

(ii) so much of the land held by him as a tenant as together with any other land held by him does not exceed the limit of 1·25 acres in area, in any case where the area of the tenancy together with the other land held by him exceeds the said limit:

Provided that nothing in this sub-section shall apply to a tenant who holds land under any person who is a member of the Armed Forces of the Union.

(4) Where any land has been reserved for the personal cultivation of a landowner by an order made under sub-section (3) of section 102, no suit or application for the eviction of the tenant in respect of such land under clause (a) of sub-section (1) shall lie after the expiry of five years from the commencement of this Act or one year from the date of the said order, whichever is later:

Provided that where any such landowner is a person under disability, such suit or application may be instituted or made within a period of five years from the date when the disability ceases.

*Explanation.*—For the purposes of this sub-section, the disability of a person shall cease—

(a) in the case of a widow, if she remarries, on the date of her remarriage or if any person succeeds to the widow on her death, on the date of her death;

(b) in the case of a minor, on the date of his attaining majority;

(c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage or remarriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (d) or (e), on the date on which the disability of the husband ceases;

(d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

(e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist.

Restoration  
of possession  
of land to  
tenant.

**120.** Where a person who has taken possession of any land by evicting a tenant therefrom on the ground that the land had been reserved for personal cultivation by him fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the tenant shall be entitled to be restored to possession of the land from which he ~~was~~ evicted.

*Explanation.*—For the purpose of this section, land shall not be deemed to be under the personal cultivation of a person (not being a person under disability) unless such person or a member of his family engages himself in the principal agricultural operations.

Certain lands  
to be non-  
resumable  
land of  
tenant.

**121.** If a landowner fails to—

(a) apply for reservation of any land within the period prescribed in section 101, and the land is not deemed to have been reserved under section 104, or

(b) file a suit or application for the eviction of the tenant from any land reserved under section 102 \* \* \* \* \*  
\* \* \* \* \* within the period prescribed in sub-section (4) of section 119, or

(c) cultivate or ceases to cultivate the land and the tenant is restored to possession of the land under section 120, the competent authority may *suo motu* and shall, on application, after making such inquiry as may be prescribed, declare the land to be the non-resumable land of the tenant.

Compensa-  
tion for im-  
provements.

**122.** (1) A tenant who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation before he is so evicted for such improvement as in the opinion of the competent authority, is reasonable.

(2) The compensation payable to a tenant under sub-section (1) shall be determined in accordance with the value of such improvements on the date of eviction, and in determining such compensation, regard shall be had to the following matters, namely:—

(a) the amount by which the value of the land has increased by reason of the improvement;



(b) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;

5 (c) the labour and capital involved in the making of the improvement; and

(d) the advantages secured by the tenant in consideration of the improvement made by him.

(3) In any case in which compensation is payable to a tenant under this section, the competent authority may direct that—

10 (a) the whole or any part of any loan which the tenant has taken on the security of his interest in the land under section 110 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;

15 (b) any arrear of rent due by the tenant to the landowner and the costs, if any, awarded to the landowner shall be adjusted against the compensation.

123. A tenant against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable by the competent authority any work of improvement which can be severed from the land and which the tenant desires to remove, or any building or construction or work (which is not an improvement) in respect of which the landowner is not willing to pay the compensation. Tenant may remove buildings, works, etc., not deemed improvements.

25 124. (1) Where a tenant of any land has, on or after the 6th day of March, 1956, surrendered, or been evicted from, such land, and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority, may *suo motu* or on application made by the tenant, restore him to possession of the land which he surrendered or from which he was evicted unless some other tenant not being a member of the landowner's family, had *bona fide* been admitted to possession of such land. Restoration of possession of land in certain other cases.

30 (2) The competent authority shall, before making an order under sub-section (1), make such inquiry as may be prescribed.

125. Where a tenancy is sought to be terminated on the ground that the tenant has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the tenant Relief against termination of tenancy for act of waste.

unless and until the landowner has served on the tenant a notice in writing specifying the damage complained of and the tenant has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor.

Surrender of  
land by  
tenant.

**126.** (1) After the commencement of this Act, no tenant shall **5**  
surrender any land held by him as such, and no landowner shall enter upon the land surrendered by the tenant, without the previous permission in writing of the competent authority.

(2) Such permission shall be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that **10**  
the proposed surrender is *bona fide* and in case the surrender is by a person who was holding the land as tenant immediately before the commencement of this Act, the permissible limit of the landowner concerned is not exceeded by such surrender; in other cases, the permission shall be refused. **15**

(3) Where permission is refused in any case, and the tenant gives a declaration in writing relinquishing his rights in the land, the competent authority shall, in accordance with the rules made in this behalf, lease out the land to any other person who shall acquire all the rights of the tenant who relinquished his rights. **20**

Transfer of  
ownership of  
land to  
tenant.

**127.** Subject to the other provisions of this Act, the ownership of any land which is declared to be the non-resumable land of a tenant under section 105 or section 121 shall stand transferred from the landowner thereof to the tenant with effect from the date of such declaration, and the tenant shall become the owner of such land **25**  
and be liable to pay land revenue therefor:

Provided that where, on an application made in this behalf by any person at any time before the declaration is made under section 105 or under section 121, the competent authority is satisfied that such person holds land not exceeding a family holding, whether as **30**  
a landowner or otherwise, and that his income is derived mainly from such land, the competent authority may, by order, provide that the transfer of ownership of the land shall take effect on the expiry of a period of five years from the date of such declaration.

Compensation to landowner.

**128.** (1) In respect of every land the ownership of which stands **35**  
transferred to the tenant under section 127, the landowner shall be entitled to compensation which shall consist of the aggregate of the following amounts, that is to say,—

(a) an amount equal to thirty times the full land revenue payable for the land or, if the land is held revenue-free or at a **40**

concessional rate, thirty times the amount of land revenue payable for similar lands in the locality;

(b) the value of trees, if any, planted by the landowner.

*Explanation.*—Where any improvement has been made on the land at the expense of the landowner at any time subsequent to the last settlement, the land revenue for the purpose of this section shall be the land revenue payable for similar lands in the locality.

(2) The land revenue payable for similar lands in the locality and the value of trees referred to in sub-section (1) shall be determined in the prescribed manner.

(3) Every landowner entitled to compensation under this section shall, within a period of six months from the date of the declaration referred to in section 127, apply to the competent authority in the prescribed manner for determining the compensation.

129. (1) The compensation to which a landowner is entitled under section 128 shall be paid to him by the Government in the first instance, and it may be paid in cash, in lump sum or in annual instalments not exceeding ten or in the form of bonds which may be negotiable or non-negotiable but transferable.

Payment of compensation to landowner.

(2) From the date of the declaration referred to in section 127, the landowner shall be entitled to interest at the rate of  $2\frac{1}{2}$  per cent. per annum on the compensation or such portion thereof as remains unpaid.

(3) Any mortgage of, or encumbrance on, the land of which the ownership is transferred to the tenant under section 127 shall be a valid charge on the amount of compensation payable to the landowner.

(4) Notwithstanding anything contained in sub-sections (1) to (3), where the person entitled to compensation under section 128 is a charitable or religious institution, the compensation shall, instead of being assessed under that section, be assessed as a perpetual annuity equal to the reasonable rent for the land, less the land revenue payable on such land. The amount so assessed shall be paid to such institution in the prescribed manner.

130. (1) Every tenant to whom ownership of any land has been transferred under section 127 shall be liable to pay to the Government in respect of that land compensation as determined under section 128.

Tenant to pay compensation amount.

(2) The compensation shall be payable in cash, in lump sum or in such number of annual instalments not exceeding twenty as may be prescribed. Interest at the rate of  $2\frac{1}{2}$  per cent. per annum shall be payable on the compensation or such portion thereof as remains unpaid. 3

(3) The compensation payable under this section shall be a charge on the land.

(4) The compensation or any instalment thereof shall be recoverable in the same manner as an arrear of land revenue.

Issue of  
certificate to  
tenants.

131. When the compensation or the first instalment of the compensation, as the case may be, has been paid by the tenant, the competent authority may *suo motu* and shall, on application made to it in this behalf, issue to the tenant a certificate in the prescribed form declaring him to be the owner of the land specified therein. 10

First option  
to purchase.

132. (1) If a landowner at any time intends to sell his land held by a tenant, he shall give notice in writing of his intention to such tenant and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice. 15

(2) If there is any dispute about the reasonable price payable for the land, either the landowner or the tenant may apply in writing to the competent authority for determining the reasonable price; and the competent authority, after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made. 20 25

(3) The tenant shall deposit with the competent authority the amount of the price determined under-section (2) within such period as may be prescribed. 30

(4) On deposit of the entire amount of the reasonable price, the prescribed authority shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land; the competent authority shall also direct that the reasonable price deposited shall be paid to the landowner. 35

(5) If the tenant does not exercise the right of purchase in response to the notice given to him by the landowner under sub-section

(1) or fails to deposit the amount of the price as required by sub-section (3), such tenant shall forfeit his right of purchase, and the landowner shall be entitled to sell such land to any other person.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

133. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part. <sup>Power to make rules.</sup>

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

10 (a) the form of notices to be issued under this Part and the manner of their service;

(b) the manner of holding inquiries under this Part;

(c) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;

15 (d) the conditions subject to which lands may be leased by the deputy commissioner under section 107;

(e) the form of applications to be made under this Part, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;

20 (f) the determination of the value of the produce of land the profits of agriculture, and the rental values of land, for the purposes of this Part;

(g) the time and manner of payment of rent by the tenant;

25 (h) the form of receipt for rent to be given by the landowner;

(i) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;

30 (j) the nature and the extent of relief to the tenant in cases of suspension or remission of land revenue by the Government;

(k) the determination of compensation for improvements to tenants who are evicted from land;

(l) the grant of permission to surrender land;

35 (m) the determination of the amount of compensation payable to the landowner in respect of the non-resumable lands of tenants;

(n) the form of certificates to be granted to tenants;

- (o) the determination of the price to be paid by tenant for land in respect of which the first option to purchase is exercised;
- (p) any other matter which is to be or may be prescribed.

## PART IV

### CHAPTER XI—CEILING ON LAND HOLDINGS

5

**Exemption.** 134. The provisions of this Chapter shall not apply to land owned by the Government or a local authority.

**Definitions.** 135. For the purposes of this Chapter,—

(a) “ceiling limit”, in relation to land, means the limit fixed under section 136;

10

(b) “family”, in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grandchildren, of such person;

(c) “land” does not include land used for non-agricultural purposes.

15

**Ceiling on holdings.**

136. No person either by himself, or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a landowner or as a tenant or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five acres in the aggregate:

Provided that, where the number of members of the family of such person exceeds five, he may hold five additional acres for each member in excess of five, so however as not to exceed fifty acres in the aggregate.

25

*Explanation.*—In the case of a company, an association or any other body of individuals, the ceiling limit shall be twenty-five acres.

**Submission of returns.**

137. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 15th day of January, 1959 and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

35

Provided that in the case of joint-holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

*Explanation.*—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

138. If any person who under section 137 is required to submit a return, fails to do so \* \* \* the competent authority may collect the necessary information through such agency as may be prescribed.

Collection of  
information  
through  
other agency.

139. (1) On receipt of any return under section 137 or information under section 138 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 140 and section 141 and of any rules that may be made in this behalf, it shall determine—

Procedure  
for deter-  
mination of  
excess land.

(a) the total area of land held by each person representing the family;

15 (b) the specific parcels of land which he may retain;

(c) the land held by him in excess of the ceiling limit;

(d) whether such excess land is held by him as a landowner or as a tenant or as a mortgagee with possession;

20 (e) the excess land in respect of which the tenant or the mortgagee with possession may acquire the rights of the landowner or the mortgagor, as the case may be;

(f) the excess land which may be restored to a landowner or a mortgagor;

(g) the excess land which shall vest in the Government; and

25 (h) such other matters as may be prescribed;

(2) For the purposes of determining the excess land under this section, any land transferred at any time during the period between the 15th day of January, 1959 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

30 (3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by it under sub-section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

140. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 15th day of January, 1959, and the 9th day of December, 1959, has transferred during such period any part of his land to any other person under

Selection of  
excess land  
in cases of  
certain  
transfers.

a registered deed for valuable consideration, the excess land to be determined under section 139 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of a family holding and no land shall be selected out of the land transferred. 5

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between the 15th day of January, 1959 and the 9th day of December, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or 10

(b) during the period between the 9th day of December, 1959 and the commencement of this Act has transferred during such period any part of his land to any other person in any manner whatsoever, 15

the excess land to be determined under section 139 shall be selected out of the lands held at the commencement of this Act by the transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred. 20

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees. 25

(4) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person. 30

*Explanation.*—For the purpose of this sub-section, “homestead land” means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

Excess land  
to vest in  
Government.

141. (1) Where any excess land of a landowner is in his actual possession, the excess land shall vest in the Government. 35

(2) Where any excess land of a landowner is in the possession of a person holding the same as a tenant or as a mortgagee and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government. 40



(3) Where any excess land of a landowner is in the possession of a person holding the same as a tenant or as a mortgagee and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire the rights of the landowner or of the mortgagor, as the case may be, in respect of such excess land or part thereof on payment of compensation, if any, as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of a tenant or of a mortgagee with possession, the excess land shall vest in the Government:

Provided that, in any case where the excess land or any part thereof held by a person as landowner or mortgagor together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the possession of that person on an application made by him in this behalf to the competent authority within such time as may be prescribed and in the case where the possession of such land is restored to the mortgagor, the mortgage in respect of such land shall be deemed to be a simple mortgage

**142.** (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 139 may, within thirty days from the date of publication thereof in the Official Gazette, file objections there- before the deputy commissioner.

Publication  
of the final  
list and con-  
sequences  
thereof.

(2) The deputy commissioner or any other officer authorised in this behalf by the Administrator may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and subject to the provisions of this Act, the list shall be final.

(4) With effect from the date of publication of the list in the Official Gazette under sub-section (3),—

(a) the excess land shall stand transferred to and vest in the Government free of all encumbrances; or

(b) the possession of the excess land shall stand restored to the landowner or the mortgagor, as the case may be; or

(c) the rights of the landowner or the mortgagor in respect of the excess land shall stand transferred to the tenant or the mortgagee, as the case may be.

Compensation.

**143. (1) Where any excess land of a landowner vests in the Government, there shall be paid by the Government to the landowner compensation, subject to the provisions of sub-section (2), of an amount equal to—**

**(a) in the case of any land which has remained uncultivated during the three years immediately preceding the date of vesting in the Government, twenty-five times the land revenue in respect of such excess land;**

**(b) in the case of any other land, fifty times the land revenue in respect of such excess land:**

10

**Provided that where the land is held revenue-free or is assessed to land revenue at a concessional rate, the compensation shall be determined on the basis of land revenue assessable at full rates for such land:**

**Provided further that where an improvement has been made on the land at any time subsequent to a settlement or revisional settlement, the rate of land revenue for purposes of this section shall be the rate applicable to the class of land in which the land falls after the improvement.**

**(2) Where such excess land or any part thereof is in the possession of a tenant, the compensation payable under sub-section (1) in respect of the land shall be apportioned between the landowner and the tenant in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.**

25

**(3) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building constructed on such land and any trees planted thereon, and such compensation shall be determined by the competent authority in the prescribed manner, having regard to the market value of any structure or building or the value of such trees, and such compensation shall be paid to the person who has constructed the structure or building or planted the trees.**

**(4) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer of any excess land is void by virtue of sub-section (4) of section 140, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.**

40

(5) Where a tenant acquires the rights of a landowner in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the landowner would have been paid as compensation under sub-section (2) or sub-section (3) if the land had vested in the Government; and the amount shall, in the first instance, be paid to the landowner by the Government and shall be recovered from the tenant in such manner as may be prescribed.

(6) Where a mortgagee in possession acquires the rights of the mortgagor in respect of any excess land under sub-section (3) of section 141, the compensation payable by the mortgagee in respect of that land shall be such sum of money, if any, as may be due to the mortgagor after setting off the mortgage debt against the market value of such excess land.

(7) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2) or sub-section (3), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(8) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

144. (1) The compensation payable under section 143 shall be due from the date of publication of the list under sub-section (3) of section 142 and may be paid in cash, in a lump sum or in instalments, or in bonds.

Manner of payment of compensation.

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding twenty years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

145. No person representing a family shall acquire in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall be treated as excess land

Limit of future acquisition of land.

of the transferee and the provisions of sections 139 to 144 shall, as far as may be, apply to such excess land.

Excess land not to be surrendered in certain cases.

146. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to a decrease in the number of members of the family.

5

Power of deputy commissioner to take possession of excess land.

147. After the publication of the list of excess lands under sub-section (3) of section 142, and after demarcation in the prescribed manner of such lands where necessary, the deputy commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

10

Offences and penalties.

148. (1) Whoever being bound to submit a return under section 137 fails to do so, without reasonable cause, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

15

(2) Whoever contravenes any lawful order made under this Chapter or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

20

Finality of orders.

149. Subject to the provisions of this Act, every order made under this Chapter shall be final.

Power to exempt, etc.

150. (1) The Administrator may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 136—

25

(a) any land which is being used for growing tea, coffee or rubber including lands used or required for use for purposes ancillary to, or for the extension of, the cultivation of tea, coffee or rubber to be determined in the prescribed manner;

30

(b) any sugarcane farm operated by a sugar factory;

(c) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(d) any person who holds a compact block of land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 1st day of January, 1958, or

5 (ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Administrator, is being so efficiently managed that its break up is likely to bring a fall in production:

10 Provided that where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit, or the other land not exceeding the ceiling limit;

15 (e) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit:

20 Provided that the Administrator may entertain the application after the expiry of the said period of three months, if he is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (a) of sub-section (1) is transferred  
25 to another person, the Administrator may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 136 and section 145 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

30 (3) Where the Administrator is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 145 acquire land in  
35 excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send \* intimation thereof to the competent authority:

(4) Where any land in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3)

ceases to be used, or is not, within the prescribed time, used, for the purpose for which exemption had been granted, the Administrator may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

## CHAPTER XII.—PREVENTION OF FRAGMENTATION

5

Definitions. 151. For the purposes of this Chapter,—

(a) “holding” means the aggregate area of land held by a person as a landowner;

(b) “fragment” means a holding of less than two and a half acres in area;

10

(c) “land” has the same meaning as in Chapter XI.

Restrictions  
on transfer,  
etc.

152. (1) No portion of a holding shall be transferred by way of sale, exchange, gift, bequest or mortgage with possession, so as to create a fragment:

Provided that the provisions of this sub-section shall not apply to a gift made in favour of the Bhoodan movement initiated by Acharya Vinoba Bhave.

(2) No portion of a holding shall be transferred by way of lease, where as a result of such lease,—

(i) the lessor shall be left with less than two and a half acres, or

(ii) the total area held by the lessee exceeds the limit of a family holding.

(3) No fragment shall be transferred to a person who does not have some land under personal cultivation, or to a person who holds, or by reason of such transfer shall hold, land in excess of the limit of a family holding.

Partition of  
holding.

153. (1) No holding shall be partitioned in such manner as to create a fragment.

(2) A fragment shall not be partitioned unless as a result of such partition its portions get merged in holdings of two and a half acres or more or in fragments so as to create holdings of two and a half acres or more.

(3) Whenever, in a suit for partition, the court finds that the partition of a holding will result in the creation of a fragment, the court shall, instead of proceeding to divide the holding, direct the

sale of the same and distribute the proceeds thereof among the co-sharers.

(4) Wherever a holding is put up for sale under sub-section (3), a co-sharer shall have the first option to purchase the holding at the highest bid; if there are two or more co-sharers claiming the first option, that co-sharer who offers the highest consideration shall be preferred.

154. (1) Any transfer, partition or lease of land made in contravention of the provisions of this Chapter shall be void.

Transfers in  
contraven-  
tion of this  
Chapter.

10 (2) No document of transfer, partition or lease shall be registered unless declarations in writing are made, in such form and manner as may be prescribed, by the parties thereto before the competent registering authority under the Indian Registration Act, 1908, regard-  
16 of 1908. ing lands held by each prior to the transaction and the land which  
15 each shall come to hold thereafter.

(3) No registering authority shall register under the Indian  
1 of 1908. Registration Act, 1908, any document of transfer, partition or lease of land if, from the declarations made under sub-section (2), it appears that the transaction has been effected in contravention of  
20 the provisions of this Chapter.

155. The parties to any transfer, partition or lease made or entered into in contravention of any of the provisions of this Chapter shall be punishable with fine which may extend to one hundred rupees.

Penalty.

156. (1) The Administrator may, by notification in the Official  
25 Gazette, make rules to carry out the purposes of this Part.

Power to  
make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

30 (a) the form in which and the period within which a return under section 137 may be submitted;

(b) the agency through which information may be collected under section 138;

(c) the manner of holding enquiries under this Part;

35 (d) the matters which may be determined under sub-section (1) of section 139 and the manner of determination of excess lands under this Part;

(e) the form in which a list under sub-section (3) of section 139 or sub-section (3) of section 142 may be prepared and the manner of publication of such list;

(f) the period within which an application for restoration of excess land may be made under the proviso to sub-section (4) of section 141;

(g) the manner of apportionment of compensation between the landowner and the tenant under sub-section (2) of section 143;

(h) the manner of assessment of the market value of any structure or building or trees under sub-section (3) of section 143;

(i) the manner of recovery of the compensation payable by the tenant under sub-section (5) of section 143;

(j) the manner of determining under sub-section (6) of section 143 the market value of any excess land over which a mortgagee-in-possession acquires the rights of the mortgagor;

(k) the manner of determination of the net annual income of any excess land for the purpose of payment of compensation to religious or charitable institutions under sub-section (7) of section 143;

(l) the manner of payment of compensation including the number of instalments in which the compensation may be paid or recovered and the period within which bonds may be redeemed;

(m) the manner of demarcation of any excess land under section 147;

(n) the matters which may be determined by the Administrator in granting an exemption under section 150 including the form in which applications and intimations may be made or given, under section 150;

(o) the form of declarations under section 154;

(p) any other matter which is to be or may be prescribed.

## PART V

### CHAPTER XIII.—GENERAL AND MISCELLANEOUS

30

Recovery of amounts due as an arrear of land revenue.

157. Without prejudice to any other provision of this Act, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Act shall be recoverable in the same manner as an arrear of land revenue.

35

Special provision regarding Scheduled Tribes.

158. No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless—

(a) the transfer is to another member of the Scheduled Tribes; or



(b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the deputy commissioner; or

5 (c) the transfer is by way of mortgage to a co-operative society.

159. No suit or other proceedings shall, unless otherwise expressly provided for in this Act or in any other law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Act: Jurisdiction of civil courts excluded.

10 Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

160. Save as otherwise provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of court. Act to override contract and other laws.

7 of 1870- 161. Notwithstanding anything contained in the Court-fees Act, 1870, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

45 of 1860 162. Every *amin* and every other village officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Village officers to be public servants.

163. With the previous approval of the Government, the Administrator may, by notification in the Official Gazette, exempt any class of lands from all or any of the provisions of this Act. Power to exempt.

25 164. Whoever contravenes any provision of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees. General provision as to penalties.

165. No suit, prosecution or other proceedings shall lie—

30 (a) against any officer of the Government for anything in good faith done or intended to be done under this Act; Protection of action taken in good faith.

(b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything, in good faith, done or intended to be done under this Act.

35 166. The Administrator may, by notification in the Official Gazette delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by Delegation of powers.

this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.

Power to  
remove diffi-  
culties.

167. If any difficulty arises in giving effect to any provision of this Act, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty. 5

General  
power to  
make rules.

168. Without prejudice to any power to make rules contained elsewhere in this Act, the Administrator may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act. 10

Laying of  
rules before  
Parliament.

169. Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 15 20

Repeal and  
savings.

170. (1) On and from the date on which any of the provisions of this Act are brought into force in any area in the Union territory of Manipur, the enactments specified in the Schedule or so much thereof as relate to the matters covered by the provisions so brought into force shall stand repealed in such area. 25

(2) The repeal of any enactment or part thereof by sub-section (1) shall not affect,—

(a) the previous operation of such enactment or anything duly done or suffered thereunder; 30

(b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment; 35

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

- 5     (3) Subject to the provisions contained in sub-section (2), any appointment, rule, order, notification or proclamation made or issued, any lease, rent, right or liability granted, fixed, acquired or incurred and any other thing done or action taken under any of the enactments or parts thereof repealed under sub-section (1) shall, in so far  
10 as it is not inconsistent with the provisions of this Act brought into force, be deemed to have been made, issued, granted, fixed, acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.
- 15     (4) Any custom or usage prevailing at the time any of the provisions of this Act are brought into force in any area in the Union territory of Manipur and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or  
20 inconsistency.

## THE SCHEDULE

[See section 170 (1) ]

1. The Assam Land and Revenue Regulation, 1886 (Assam Act I of 1886), as extended to the Union territory of Manipur by notification under section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950). 5

2. The Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act, 1957 (Bom. Act IX of 1958), as extended to the Union territory of Manipur, by notification under section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950). 10

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LOK SABHA

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The following Report of the Joint Committee on the Bill to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform was presented to Lok Sabha on the 8th February, 1960:—

**Composition of the Joint Committee**

Shri Govind Ballabh Pant—*Chairman.*

## MEMBERS

*Lok Sabha*

2. Shri Bangshi Thakur
3. Shri Rungsung Suisa
4. Shri Dharanidhar Basumatari
5. Shri Etikala Madhusudan Rao
6. Shri Ghanshyamlal Oza
7. Shri Bibhuti Mishra
8. Major Raja Bahadur Birendra Dahadur Singh
9. Shri N. Gulam Mohideen
10. Shri Shobha Ram
11. Shri Raja Ram Misra
12. Shri J. B. S. Bist
13. Shri N. B. Maiti
14. Shri H. Siddananjappa
15. Shri Dasaratha Deb
16. Shri Laisram Achaw Singh
17. Shri Pramathanath Banerjee
18. Shri Tridib Kumar Chaudhuri
19. Shri Ram Chandra Majhi
20. Shri Bijaya Chandrasingh Prodhan
21. Shri B. N. Datar

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*Rajya Sabha*

22. Shri Laimayum Lalit Madhob Sharma
23. Shri Abdul Latif
24. Shrimati Seeta Yudhvir
25. Shri Braj Bhari Sharma
26. Shri Joy Bhadra Hagjer
27. Sardar Raghbir Singh Panjhazari
28. Shri V. Prasad Rao
29. Shri Kamta Singh
30. Shri Dibakar Patnaik

## DRAFTSMEN

Shri R. C. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri K. G. Vishwanathan, *Deputy Draftsman, Ministry of Law.*

## SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary.*

Shri A. L. Rai—*Deputy Secretary.*

### Report of the Joint Committee

1. The Chairman of the Joint Committee to which the Bill\* to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 2nd December, 1959. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri B. N. Datar, the Minister of State in the Ministry of Home Affairs, on the 11th December, 1959 and was discussed in the Lok Sabha on the 11th, 14th and 15th December, 1959 and was adopted on the 15th December, 1959.

3. The Rajya Sabha discussed the motion on the 21st and 22nd December, 1959 and concurred in the said motion on the 22nd December, 1959.

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin Part II dated 23rd December, 1959.

5. The Committee held five sittings in all.

6. The first sitting of the Committee was held on the 24th December, 1959 to draw up a programme of work.

7. Three memoranda on the Bill were received by the Committee from two public bodies and one individual.

8. The Committee considered the Bill clause by clause at their sittings held on the 22nd, 23rd and 24th January, 1960.

9. The Committee considered and adopted the Report on the 6th February, 1960.

10. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

11. *Enacting Formula and clause 1.*—The changes are of consequential nature.

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\* Published in Part II—Section 2 of the Gazette of India, Extraordinary, dated the 2nd December, 1959.

12. *Clause 2.*—For the purpose of fixing the ceiling limit under Chapter XIII, the word ‘family’ has been defined in clause 166. The Committee, however, feel that for other purposes, particularly for the purposes of personal cultivation, the word ‘family’ should be defined. Accordingly a new definition of family has been inserted as item (g).

Subsequent items have been re-lettered.

*Item (o) [Original Item (n)].*—The word ‘judicially’ has been inserted before the word ‘separated’ to make the intention clear.

*Item (u) [Original Item (t)].*—The Committee are of the view that instead of 2 acres of ‘tilla’ land being equal to one standard acre, as at present provided in item (t) of clause 2, 3 acres of ‘tilla’ land may be made equivalent to a standard acre. The definition has been amended accordingly.

*Item (v) [Original Item (u)].*—The amendments are clarificatory in nature.

13. *Clauses 3, 5 and 9.*—The Committee consider that the Administrator of Tripura should be empowered to divide a district not only in sub-divisions and circles but also into tehsils which shall be placed under the charge of tehsildars. Clause 3 has been amended accordingly. Amendments made in clauses 5 and 9 are only consequential.

14. *Clause 12.*—The Committee desire that while framing the rules on the subject the interests of the people with regard to the use of natural products should be kept in view.

Sub-clause (1) has been amended accordingly.

15. *Clause 14.*—The Committee feel that rules made under this clause should also provide for allotment of lands in suitable cases to persons evicted under clause 15.

Sub-clause (1) has been amended accordingly.

16. *Clause 20.*—The Committee consider that penalty of rupees five for each day during which the contravention continues may be reduced to rupees four.

Sub-clause (5) has been amended accordingly.

The other amendments made in the clause are of a drafting nature.

17. *Original clause 21.*—The Committee feel that if during the term of settlement water from natural sources is utilised without involving any expenditure from Government funds it would not be reasonable to levy a water rate. Clause 21 has, therefore, been omitted.



18. *Clause 22 (Original clause 23).*—The Committee think that proviso to item (c) of sub-clause (1) should apply to item (b) also.

Items (b) and (c) have accordingly been combined.

19. *Clause 25 (Original clause 26).*—The Committee recommend that while framing rules on the subject the Panchayats should also be associated with the enquiries into profits of agriculture and the value of land used for agricultural and non-agricultural purposes.

20. *Clause 26 (Original clause 27).*—The Committee are of opinion that the power of the Administrator to issue notification for revenue survey should be exercised with the approval of the Government.

The clause has been amended accordingly.

The other amendments in the clause seek to make the intention clear.

21. *Clause 28 (Original clause 29).*—The Committee are of the view that the villages should be defined first and then survey numbers within the village should be demarcated.

The Committee also feel that the proviso to the clause is not necessary and should be omitted.

The clause has been recast accordingly.

22. *Clause 29 (Original clause 30).*—The Committee think that sub-clause (2) is not necessary and should be omitted.

Sub-clause (2) has accordingly been omitted.

23. *Clause 47 (Original clause 48).*—The Committee feel that imposition of fine by the Collector should be made discretionary according to the circumstances of the case and not compulsory in every case of neglect to report as is now required.

The clause has been amended accordingly.

24. *Clause 58 (Original clause 59).*—The amendment made in the clause is clarificatory in nature.

25. *Clause 73 (Original Clause 74).*—According to the original clause 74, the defaulter or any person owning or holding an interest in the property that has been sold for recovering arrears of land revenue may apply within thirty days of the date of sale for setting aside the sale on the grounds specified in the clause. The Committee are of the opinion that there should be an enabling provision empowering the Collector to receive the application even after the expiry of thirty

days, if the person making the application is prevented by sufficient cause from filing it within the prescribed period.

The clause has been amended accordingly.

26. *Clause 74 (Original clause 75).*—The amendments in the clause are consequential to the amendments accepted in the previous clause.

27. *Clause 75 (Original clause 76).*—The amendments in sub-clause (1) are of a clarificatory nature.

28. *(Original Clause 81).*—The original clause 81 provided that it should be lawful for the Collector, in order to secure the payment of land revenue in respect of any land, to prohibit the reaping of any crop growing on land in respect of which land revenue is due or to require that the crops, if they have been reaped, should not be removed without the written permission of the Collector. The Committee are of the opinion that this provision would cause undue hardship to the cultivators.

Clause 81 has, therefore, been omitted.

29. *(Original clause 82).*—The omission of this clause is consequential to the omission of the original clause 81.

30. *Clause 96 (Original Clause 99).*—The Committee think that before an order is reviewed, the opposite party should be given notice thereof.

Sub-clause (2) has been amended accordingly.

31. *Clause 98 (Original clause 101).*—The Amendments in sub-clause (2) are consequential in nature.

32. *Clause 99 (Original clause 102).*—The Committee feel that sub-clause (1) (b) should also refer to the profitable use of land.

The sub-clause has been amended accordingly.

33. *Clause 101 (Original clause 104).*—The Committee consider that the period of one month for filing objections by the under-raiyat is not adequate and it may be extended to ninety days.

Sub-clause (1) has been amended accordingly.

34. *Clause 105 (Original clause 108).*—The amendment in sub-clause (3) is of a drafting nature to make the intention clear.

35. *Clause 118 (Original clause 121).*—The amendment in item (c) of the explanation to the clause is consequential.

36. *Clause 120 (Original clause 123).*—The Committee consider that the words "or deemed to have been reserved under section 106" in sub-clause (1) (b) of the clause are unnecessary and therefore have omitted them.

37. *Clause 128 (Original clause 131).*—The Committee recommend that where compensation payable to a raiyat is small it may be paid in a lump sum.

38. *Clause 133 (Original clause 136).*—The amendment in item (d) is clarificatory.

39. *Clause 135 (Original clause 138).*—The Committee feel that since item (d) of the clause is intended only as an interim measure till Survey and Settlement operations are completed it is not necessary to give power to the Administrator to enhance the revenue payable to Government after the vesting date by a tenant holding any land under an intermediary. The first proviso to clause 135(d) has accordingly been omitted.

The other amendments in this clause are of a drafting and consequential nature.

40. *Clause 166 (Original clause 169).*—The words “in accordance with the provisions of that section” were considered unnecessary and have been omitted.

41. *Clause 168 (Original clause 171).*—The amendment in the clause is clarificatory.

42. *Clause 169 (Original clause 172).*—The Committee recommend that the rules made with reference to clause 14 for allotment of land belonging to Government should also cover excess lands which vest in the Government.

43. *Clause 174 (Original clause 177).*—The clause has been redrafted to make the intention clear.

44. *Clause 185 (Original clause 188).*—The clause has been redrafted to make the intention clear.

45. *Clause 186 (Original clause 189).*—The intention of the clause is that the tenants and sub-tenants in estates should have the same rights and protection as regards rent, eviction and surrender etc., as the tenants in other areas till the vesting date.

The Committee have revised the clause to bring out the intention clearly.

46. The Joint Committee recommend that the Bill as amended be passed.

GOVIND BALLABH PANT,

NEW DELHI;

Dated the 7th February, 1960.

Chairman,

Joint Committee.

### Minutes of Dissent

#### I

I do not agree to the provision of Explanation I to clause 2(o). In my view it will create complication and may debar certain genuine cultivators who may be living at a distance a little farther from so called prescribed distance mentioned in the explanation, so it should be deleted.

2. I do not agree to the provision of twenty-five standard acres in clause 167. It is not enough for a family, for it would not yield generally more than Rs. 3000/- as gross income which is quite a social injustice in view of the maximum income in other sectors of life. So it should be raised to forty-five standard acres.

NEW DELHI;  
*Dated the 6th February, 1960.*

KAMTA SINGH.

#### II

The Tripura Land Revenue and Land Reforms Bill, 1959 is a good model for legislation on land reforms for the whole of India. Most of the provisions regarding abolition of intermediaries, tenancy reforms, fixation of ceilings and permissible limits for personal cultivation are based on the directives of the Planning Commission. The Joint Committee has done its best to accommodate local requirements. But I am unable to reconcile to some of the provisions which are quite irrelevant and detrimental to the objectives of the Land Reforms Scheme. I will refer to them clause by clause.

In clause 2(1) the definition of "personal cultivation" is all pervasive. It is identified with 'personal supervision'. It includes cultivation by servants or hired labour. Sub-clause (iii) should have been deleted. Otherwise tillers of the soil will be deprived of their lands on the plea of personal cultivation. Except in the case of persons under disability, cultivation by servants or hired labour should be ruled out and land should belong to actual tillers only.

In clause 27 provision is made for assessment of costs of revenue survey and collection of them as land revenue. Here no amount is fixed and there is chance of arbitrary assessment on the holders of the land. So a rate has to be fixed.

In clause 32, there is the provision for determination of revenue rates. Here also, the arbitrary element may creep in at any moment.

It would have been proper if a maximum rate is laid down for agricultural lands. As for non-agricultural lands, the market value and the rent value of the land should be taken into consideration at the time of assessment of revenue rates.

In clauses 102, 123, 167, the date for fixing the permissible limit for personal cultivation, the restoration of possession of land in certain other cases and the determination of the excess land above the ceiling limit has been fixed as 10th August, 1957. Amendments were sought for a change of the date to 1st January, 1954. It has been brought to our notice that anticipating imposition of ceilings and other ancillary provisions of the land reforms scheme substantial owners have been making benami transactions in favour of near relations and friends to bring their holdings within assumed limits and that major evictions of under-raiyats have taken place during 1954/1956. For the restoration of possession of land to those evicted persons and to prevent effectively all the malafide transfers, the change of the date is very much necessary.

In clause 178, lot of exemptions have been provided as regards determination of the ceiling limit and of excess land; plantations, sugarcane farms, orchards, dairy farms and efficiently managed farms are sought to be exempted from the operation of the ceiling. It was stated that most of these farms were not in existence in the Union Territory of Tripura and there was every chance that this provision might be utilised mostly to circumvent the objectives of fixing the ceiling limit by the capitalist landlords *viz.* (1) meeting the widespread desire to possess land, (2) reducing glaring inequalities in ownership and use of land, (3) reducing inequalities in agricultural incomes and (4) enlarging the sphere of self-employment. I do not find any necessity of making provisions of so many exemptions except in the case of tea plantations and land held by a cooperative society. In fact, in Tripura, there are no rubber plantations and sugarcane farms are operated by a sugar factory. I cannot agree with the view that at some future date, some sugar factory might be started and there is no harm in retaining this clause. I hold that any sugar factory or farm might be run by a cooperative society and no scope should be provided for stultifying the objective of imposing a ceiling on land.

Lastly, one word about the distribution of surplus lands *re:* clauses 14, 15 and 169, the position is that rules would provide for allotment of lands according to priorities and in suitable cases those who have been in occupation of Government land for longer periods, say 10 to 12 years, would be given lands. I feel that all waste lands and lands above the ceiling, which vest in the Government, should be settled with cooperative societies formed by ejected tenants and landless agriculturists as far as possible. The case of those who have been evicted

as a result of resumption for personal cultivation by the land-owners deserves the highest priority, next the case of those small land-owners who own less than the basic holding should be considered. Thirdly, the case of the landless agriculturists should be taken up. All these proposals should be provided in the Bill and no loophole be left for misuse or misapplication of the available land. This is quite necessary from the point of view of social justice and greater production.

NEW DELHI;

L. ACHAW SINGH.

*Dated the 7th February, 1960.*

### III

In general I agree with the Bill as amended in the Joint Committee. I am thankful to the Committee that it has accommodated some of my view points. But, yet, I should say that I am not satisfied with certain provisions of the Bill.

Section 15(1) seeks to summarily evict a person who occupies or continues to occupy any land belonging to Government without lawful authority. I do not oppose this section as such, i.e., as a general principle. But taking into account the objective condition that prevails in Tripura today, we seek to improve this clause by adding a subsequent proviso, which may provide protection to certain category of occupants of government khas lands from immediate eviction. I would have liked to legalise those occupancies of the occupation of such lands which have been under the occupation of a person on or before the 31st day of December, 1958 provided the person occupying such land is either landless or having a family holding or less. I consider that my suggestion is a corollary to the spirit of the Bill, because, in my opinion, the Bill envisages to provide land to the landless.

In Tripura, as there was not much pressure on lands in the past, people, from time immemorial, were accustomed to reclaim land first and then applied for settlement on it. Even today, that practice does exist in several places of Tripura, more particularly in the tribal areas. If this so called unauthorised occupation of lands is not legally settled with them, and if they are summarily evicted, then, I am afraid, that a very large number of people—both tribals and non-tribals—shall immediately face eviction.

It is true that the Committee have amended clause 14, prescribing to frame rules which may provide for allotment of land to persons evicted under section 15 which deals with the eviction of persons who are regarded as trespassers on the government land. But this is not sufficient. We want to be categorical in the Act itself.

Clause 27 seeks to empower survey officer so deputed to conduct or take part in any revenue survey to serve the order to the holders of lands to assist the staff in their works, and if any holder of land fails to comply with, the said officer can employ hired labour for the purpose and the cost of labour so employed can be realised from the holder of land. This clause is not only unwarranted but highly against the interests of tenants. I want to delete the oppressive clause.

In section 123(1) the date as to the restoration of possession of lands of under-raiyats has been fixed on the 10th August, 1957. This should have been changed to read the 1st January, 1954. This change of date is essential due to the fact that major eviction drive by land-owners of under-raiyats took place during 1954-56 in anticipation of this kind of land legislation. Hence, if the purpose of this section was to provide some retrospective benefits to the evicted under-raiyats, was strongly feel that such date should have to be the 1st day of January, 1954. In fact, the advisory Committee for the Union Territory of Tripura constituted with the M.Ps. of Tripura of which the Hon'ble Minister happened to be the Chairman was reported to have approved the date to be the 1st January, 1954. But it was changed now. By fixing up the date as the 10th August, 1957, we are not giving benefit to the vast number of under-raiyats who have been dispossessed from lands since 1954 in anticipation of such legislation. That is why I feel that the date should be the 1st January, 1954.

In section 47 the collector has been empowered to impose penalty upto rupees twenty-five on a person who fails to report to the village accountant within three months from the date of his acquisition of any landed property by succession, surveyorship, inheritance, partition, purchase, gift, mortgage, lease etc. In a place like Tripura where the extent of mass illiteracy is extremely large, this kind of legislation is not only unwarranted but most unsuitable and oppressive. I would like to delete the clause.

In section 62, provisions have been made to recover the arrears of land by the sale of immovable property of the defaulter. I would like to amend this clause. I feel that for the recovery of arrear of land, agricultural implements like a pair of cattle, plough and seeds etc. should not be touched, if they are touched, the poor defaulter would immediately be put into a further difficulty to carry out in agricultural works. Secondly, immovable property of the defaulter should not be sold for the recovery of arrears. Immovable property may be mortgaged to a cooperative Bank or to any individual on the condition that if arrear of the defaulter is fully recovered, either paid by the defaulter himself or out of the products of the mortgaged

property, he may get back his property. This type of protection is absolutely necessary to the benefit of the entire poor peasantry of the country. But the proposal was not agreed.

In clause 135(d) the maximum amount of land revenue which a raiyat shall be liable to pay to the government has been fixed. The maximum rate was the value of the one-eighth of the gross produce of land. This rate is still high. In this land of Tripura, where lands are mostly Tillas, and lack of any irrigation facility the cost of production is very high whereas the yielding capacity of land is very low and also the price of the agricultural products is very low due to the lack of communications. Therefore, I feel that the maximum land revenue should not exceed the value of the one-tenth of the gross produce of land. The increase of the land revenue would immediately put an additional burden on the shoulder of the pauperised peasants of Tripura. But my suggestion has not been accepted. I am sorry for it.

As regards the resumption right of a raiyat, for his personal cultivation, I do not like to apply it in the case of *KURFA-PRAJA*. The raiyats should not be permitted to resume land of the *Kurfa-Prajas* for their personal cultivations, as this *Kurfa-Prajas* by virtue of the documentary agreements have been enjoying all the rights on lands, which the raiyats did, except the right of transfer. But the Committee did not accept the suggestion.

As regards the distribution of excess land, I want to provide priority to the landless, a person having less than a basic holding and the person evicted from lands due to resumption of lands for the personal cultivation of the raiyats. A reference has been made in the Bill that rules may be framed to provide some priority to these categories of persons when the distribution of excess lands is made. I am of the definite opinion that this priority list should have been incorporated in the Act itself. But that was not done. Therefore I am not satisfied.

DASARATHA DEB.

NEW DELHI;

Dated the 7th February, 1960.



Bill No. 88B of 1959

THE TRIPURA LAND REVENUE AND LAND REFORMS  
BILL, 1959

(AS REPORTED BY THE JOINT COMMITTEE)

*(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)*

A

BILL

to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows :—

PART I

CHAPTER I.—PRELIMINARY

5 1. (1) This Act may be called the Tripura Land Revenue and Land Reforms Act, 1960. Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of the Union territory of Tripura.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different  
10 dates may be appointed for different areas and for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Administrator" means the Administrator of the Union territory of Tripura;

(b) "agriculture" includes horticulture, the raising of annual or periodical crops or garden produce, dairy farming, poultry farming, stock breeding, grazing and pisciculture;

(c) "basic holding" means land used for agricultural purposes which is equal to two standard acres in area; 5

(d) "Collector" means the Collector of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Act;

(e) "commencement of this Act", in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (3) of section 1; 10

(f) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purpose of that provision; 15

(g) "family" except in Chapter XIII means, in relation to a person, the wife or husband of such person, his children, grandchildren, parents and brothers, and in the case of a Joint Hindu family, any member of such family;

(h) "family holding" means land used for agricultural purposes which is equal to 6.4 standard acres in area; 20

(i) "Government" means the Central Government;

(j) "holding" means a parcel of land separately assessed to land revenue;

(k) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof and includes— 25

(i) the construction of tanks, wells, water channels and other works for the storage, supply and distribution of water for agricultural purposes or for the use of man and cattle employed in agriculture;

(ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water; 35

(iii) the preparation of land for irrigation;

(iv) the conversion of one-crop into two-crop land;

(v) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;

(vi) the erection on land or in the immediate vicinity thereof otherwise than on the village site, of a building or 40

house for the occupation of the under-raiyat, his family and servants or of a cattle shed, a store-house or other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; and

(vii) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;

(l) "minor" means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

(m) "Official Gazette" means the Tripura Gazette;

(n) "pay", "payable" and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery";

(o) "person under disability" means—

(i) a widow;

(ii) a minor;

(iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (iv) or (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivating land by reason of some physical or mental disability;

(p) "personal cultivation", with its grammatical variations and cognate expressions, means cultivation by a person on his own account—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by servants or by hired labour on wages, payable in cash or in kind but not as a share of produce, under his personal supervision or the personal supervision of any member of his family;

*Explanation I.*—Land shall not be deemed to be cultivated under the personal supervision of a person or a member of his family unless such person or member resides in the village in which the land is situated or in a nearby village situated within a distance to be prescribed, during the major part of the agricultural season;

*Explanation II.*—In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "public purpose" includes a purpose connected with allotment of land to cultivators, under-raiyats ejected as a result of resumption, land-less agricultural workers or co-operative farming societies;

(s) "raiyat" means a person who owns land for purposes of agriculture paying land revenue to the Government and includes the successors-in-interest of such person;

(t) "rent" means whatever is lawfully payable, in money<sup>10</sup> or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(u) "standard acre" means one acre of 'lunga' or 'nal' or<sup>15</sup> three acres of 'tilla' land;

(v) "under-raiyat" means a person who cultivates or holds the land of a raiyat under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of a raiyat under the system generally known as 'bhag', 'adhi' or 'barga';<sup>20</sup>

(w) "village" means any tract of lands which, before the commencement of this Act, was recognised as or was declared to be a village under any law for the time being in force or which<sup>25</sup> may after such commencement be recognised as a village at any settlement or which the Administrator may, by notification in the Official Gazette, declare to be a village;

(x) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified<sup>30</sup> area, by notification in the Official Gazette, appoint.

## PART II

### CHAPTER II.—REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

Power to create, alter or abolish districts, sub-divisions, etc.

3. (1) The Administrator may, with the previous concurrence of<sup>35</sup> the Government, by notification in the Official Gazette, divide the Union territory of Tripura into one or more districts, and may similarly divide any district into sub-divisions,\* circles and tehsils, and may alter the limits of, or abolish, any district, sub-division,\* circle or tehsil.

(2) The districts, sub-divisions\* circles, and tehsils existing at the commencement of this Act shall continue respectively to be the districts, sub-divisions,\* circles and tehsils under this Act unless otherwise provided under sub-section (1).

- 5 4. The Government or such other officer as may be authorised by the Government in this behalf may appoint the following classes of revenue officers, namely:—

Appointment  
of revenue  
officers.

- (a) Collector,
- (b) director of settlement and land records,
- 10 (c) sub-divisional officers,
- (d) survey and settlement officers,
- (e) assistant survey and settlement officers,
- (f) circle officers,
- (g) revenue inspectors,
- 15 (h) tehsildars,
- (i) village accountants and such other village officers and servants as may be specified by rules made under this Act.

- 20 5. (1) Each district shall be placed under the charge of a Collector who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Collector under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

Collector  
and certain  
other revenue  
officers

(2) Each sub-division shall be placed under the charge of a sub-divisional officer.

(3) Each circle or tehsil shall be placed under the charge of a circle officer or a tehsildar, as the case may be.

- 30 (4) The duties and powers of the sub-divisional officers, the circle officers and other revenue officers shall be such as may be imposed or conferred on them by or under this Act or any other law in force for the time being or any general or special order of the Administrator published in the Official Gazette.

- 35 6. The officers specified in items (b), (d) and (e) of section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of the revenue-rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as

Settlement  
officers.

may be prescribed by or under this Act or by any general or special order of the Administrator published in the Official Gazette.

Subordination  
of revenue  
officers.

7. All revenue officers shall be subordinate to the Administrator and all revenue officers in the district or a sub-division shall be subordinate to the Collector or the sub-divisional officer, as the case may be. 5

Combination  
of offices.

8. It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter, to make any appointment by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the Collector. 10

Notification  
of appoint-  
ments.

9. All appointments made under this Chapter except appointments of revenue inspectors, tehsildars and village accountants and other village officers and servants shall be notified in the Official Gazette. 15

Seals.

10. The Administrator shall from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use.

### CHAPTER III.—LAND AND LAND REVENUE

20

Title of  
Government  
to lands, etc.

11. (1) All lands, public roads, lanes and paths and bridges, ditches, dikes, and fences on or beside the same, the beds of rivers, streams, *nallas*, lakes and tanks, and all canals and water courses, and all standing and flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are and are hereby declared to be the property of the Government. 25

(2) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, quarries, minerals and mineral products including mineral oil, natural gas and petroleum shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights. 30

(3) Where any property or any right in or over any property is claimed by or on behalf of the Government, or by any person as against the Government and the claim is disputed, such dispute shall be decided by the Collector whose order shall, subject to the provisions of this Act, be final. 35

(4) Any person aggrieved by an order made under sub-section (3) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such order and the decision of the civil court shall be binding on the parties. 40

12. (1) The right to all trees, jungles or other natural products growing on land set apart for forest reserves and to all trees, brush wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person, vests in the Government, and such trees, brush wood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

Right to trees, forests, etc.

(2) All road side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government vest in the Government.

13. Subject to rules made in this behalf under this Act; the Collector may set apart land belonging to the Government for pasturage for the village cattle, for forest reserves or for any other purpose.

Assignment of land for special purposes.

14. (1) The Collector may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act; and such rules may provide for allotment of land to persons evicted under section 15.

Allotment of land.

(2) The Administrator shall have power—

(a) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed, or

(b) to entrust the management of any such land or any rights therein to the gram panchayat of the village established under any law for the time being in force.

15. (1) Any person who occupies or continues to occupy any land belonging to Government without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may from time to time fix for the purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Unauthorized occupation of land.

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual assessment on such

land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

(3) Upon payment of the penalty referred to in sub-section (2), the trespasser shall have the right of tending, gathering and removing any ungathered crops. 5

**Liability of land to land revenue.** 16. (1) All lands, to whatever purpose applied, are liable to payment of land revenue to the Government.

(2) The Administrator may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with any law for the time being in force or the rules made under this Act. 10

**Alluvial lands.** 17. All alluvial lands, newly formed islands, or abandoned river beds, which vest under any law for the time being in force in any holder of land shall be subject in respect of liability to land revenue to the same privileges, conditions and restrictions as are applicable to the original holding by virtue of which such lands, islands or river beds vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands or river beds unless the area of the same exceeds one acre. 15

**Land revenue in case of diluvion.** 18. Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion thereof, not being less than one acre in extent, is lost by diluvion. 20

**Assessment of land revenue.** 19. (1) The assessment of land revenue on any land shall be made, or shall be deemed to have been made, with respect to the use of the land— 25

- (a) for\* purposes of agriculture;
- (b) for industrial or commercial purposes;
- (c) as sites for dwelling houses;
- (d) for any other purpose. 30

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Act. 35

**Diversion of land.** 20. (1) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose except agriculture, he shall apply for permission to the competent authority who may, subject to the provisions of this section and to the rules made under this Act, refuse permission or grant it on such conditions as it may think fit. 40



(2) Permission to divert may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that 5 may be imposed under sub-section (3).

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, 10 arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.

(4) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may im- 15 pose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert has been made.

(5) If any land has been diverted in contravention of an order 20 passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require 25 such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The competent authority may also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a fur- 30 ther penalty not exceeding four rupees for each day during which such contravention continues.

(6) If any person served with a notice under sub-section (5), fails within the period stated in the notice to take the steps ordered by the competent authority under that sub-section, the competent au- 35 thority may itself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

*Explanation.*—'Diversion' in this section means using land assessed to one purpose for any other purpose, but using land for the pur- 40 pose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

Remission or suspension of revenue on failure of crops.

21. The Administrator may, in accordance with the rules made in this behalf under this Act, grant a remission or suspension of land revenue in years in which crops have failed in any area.

Responsibility for payment of land revenue.

22. (1) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—

(a) the person to whom the land belongs;

(b) the under-raiyat or \*any other person in possession of the land, provided that such under-raiyat or other person shall be entitled to credit from the owner of the land for the amount paid by him.

(2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

Receipt for land revenue.

23. Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same.

#### CHAPTER IV.—SURVEY AND SETTLEMENT OF LAND REVENUE

Definitions of "revenue survey", "settlement" and "term of settlements".

24. The operations carried out in accordance with the provisions of this Chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey", the results of the operations are called a "settlement" and the period during which such results are to be in force is called the "term of settlement".

Inquiry into profits of agriculture.

25. (1) As soon as may be after the commencement of this Act, the Administrator shall take steps to institute and shall cause to be constantly maintained, in accordance with the rules made under this Act, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

(2) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—

(a) the depreciation of stock and buildings;

(b) the money equivalent of the labour and supervision by the cultivator and his family;

(c) all other expenses usually incurred in the cultivation of the land which is under inquiry; and

(d) interest on the cost of buildings and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

26. Whenever the Administrator thinks it expedient so to do, he may, with the approval of the Government, by notification in the Official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights.

Revenue Survey.

27. A survey officer deputed to conduct or take part in any revenue survey may, by special order or by general notice to be published in the prescribed manner, require the attendance of holders of lands to assist in the measurement or classification of the lands to which the revenue survey extends and, when hired labour is employed for purposes incidental to the revenue survey, may assess and apportion the cost thereof on the lands surveyed, for collection as land revenue due on such lands.

Power to require assistance from landholders.

28. Subject to the rules made in this behalf under this Act, the survey officer may—

Survey numbers and villages.

(a) divide the lands to which the revenue survey extends into villages and the villages into plots and survey numbers; and

(b) recognise the existing villages and survey numbers, reconstitute them or form new survey numbers.

\* \* \* \*

29.\* The survey officer may sub-divide survey numbers into as many sub-divisions as may be required in the manner prescribed.

Division of survey numbers into sub-divisions

\* \* \* \*

30. The Administrator may at any time direct the determination or the revision of the revenue-rates for all lands in any area of which a revenue survey has been made.

Determination of revenue-rates.

31. It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register to be called the "settlement register", showing the area and assessment of each survey number, with any other particulars that may be prescribed, and other records in accordance with such orders as may from time to time be made in this behalf by the Administrator.

Preparation of statistical and fiscal records.

Revenue  
rates how  
determined.

32. For the purpose of determining the revenue rates, the settlement officer may divide any area into units and in forming such units, he shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue rates for different classes of lands in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

Publication  
of table of  
revenue-  
rates.

33. (1) The settlement officer shall prepare a table of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(2) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.

(3) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

Confirmation  
of the table  
of revenue-  
rates.

34. (1) The Administrator may confirm the table of revenue-rates submitted to him by the settlement officer with such modifications, if any, as he may consider necessary.

(2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the Official Gazette.

Rates of re-  
venue to  
form part of  
settlement  
register.

35. The table of revenue-rates published under section 34 shall be incorporated in and form part of the settlement register of the village.

Introduction  
of revenue  
rates.

36. When the revenue-rates are determined under this Chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue rates under section 34.

Duration of  
revenue-  
rates.

37. (1) When the table of revenue-rates for any area has been finally published, the rates specified therein shall remain in force for a period of thirty years.

(2) Notwithstanding anything contained in sub-section (1),—

(a) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of revenue-rates was introduced, in such manner and to such extent as may be prescribed;

(b) when the circumstances of a local area are such that a fresh determination of the revenue-rates <sup>\*\*</sup>is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

10 38. (1) The settlement officer shall calculate the assessment on each holding in accordance with the revenue-rates confirmed and finally published under section 34 and such assessment shall be the fair assessment. Assessment on holdings.

(2) The settlement officer shall have the power to make fair assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue free.

(3) The fair assessment of all lands shall be calculated in accordance with rules made in this behalf and having regard to the following principles, namely:—

(a) no regard shall be had to any claim to hold land on privileged terms;

25 (b) regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held;

30 (c) where any improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

39. Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which the rate of revenue has been determined shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the table of revenue-rates came into force and not effected by or at the expense of the holder of the land. Additional assessment for water advantages.

Continuance  
of survey  
operations  
and rates in  
force at  
commence-  
ment of  
Act.

40. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Chapter, and all revenue-rates \*\*in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised revenue-rates; and such revised revenue-rates may be introduced at any time, notwithstanding anything contained in section 37. 10

Power of  
Collector to  
correct  
errors, etc.

41. (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the Collector or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette. 15

(2) The Collector may at any time during the term of settlement correct any error in the area or the assessment of any survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable 20 by reason of such correction.

#### CHAPTER V.—LAND RECORDS

Preparation  
of record  
of rights.

42. It shall be the duty of the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance 25 with the rules made under this Act.

Publication  
of the  
record of  
rights.

43. (1) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made during the period of such publication, 30 to any entry therein or to any omission therefrom.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall cause the record to be finally published in the prescribed manner. 35

(3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

Jurisdiction  
of civil courts  
to decide  
disputes.

44. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights. 40

45. The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record which he is satisfied has been made owing to a *bona fide* mistake.

Correction  
of *bonafide*  
mistake in  
register.

- 5     46. (1) There shall be maintained for every village a register of mutations in such form as may be prescribed.

Register of  
mutations.

(2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the village accountant within three months from the date of such acquisition and the village accountant shall give at once a written acknowledgement in the prescribed form for such report to the person making it.

15     (3) The village accountant shall enter the substance of every report made to him under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which he has reason to believe to have taken place and of which a report has not been  
20 made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom he has reason to  
25 believe to be interested therein.

(4) Should any objection to an entry made under sub-section (3) in the register of mutations be made either orally or in writing to the village accountant, he shall enter the particulars of the objection in the register of disputed cases and shall at once give  
30 a written acknowledgement in the prescribed form for the objection to the person making it.

(5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall  
35 be recorded in the register of mutations by the competent authority.

(6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for neglect to afford information.

47. The Collector may, if he is of opinion that any person has willfully neglected to make the report required by section 46 within the prescribed period, impose on such person a penalty not exceeding twentyfive rupees.

Assistance in preparation of maps.

48. Subject to rules made under this Act,—

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(a) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of the survey officer under section 27 except the power of assessing the cost of hired labour; and

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(b) any revenue officer not below the rank of sub-divisional officer may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto, and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

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Certified copies.

49. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fees as may be prescribed.

Maps and other records open to inspection.

50. Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

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Power to transfer duty of maintaining maps and records to settlement officer.

51. When a local area is under settlement, the duty of maintaining the maps and records may, under the orders of the Administrator, be transferred from the Collector to the settlement officer.

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#### CHAPTER VI.—BOUNDARIES AND BOUNDARY MARKS

Determination of village boundaries.

52. The boundaries of villages, survey numbers, sub-divisions and fields shall be fixed, and all disputes relating thereto shall be determined, by survey officers or by such other officers as may be appointed by the Administrator for the purpose, in accordance with the rules made in this behalf.

30

Effect of settlement of boundary

53. (1) The settlement of a boundary under this Chapter shall be determinative—

(a) of the proper position of the boundary line or boundary marks; and

35



(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

54. It shall be lawful for any survey officer authorised in this behalf to specify, or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or subdivisions and to assess all charges incurred thereby on the holders or others having an interest therein.

Construction and repair of boundary marks.

55. The boundary marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to the rules made under this Act, be determined by the Collector or other officer appointed for the purpose.

Description of boundary marks.

56. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks.

Responsibilities for maintaining boundary marks.

57. After the introduction of survey and settlement in a district, the charge of the boundary marks shall devolve on the Collector and it shall be his duty to take measures for their construction, laying out, maintenance and repair.

Collector to have charge of boundary marks.

58. Any person wilfully erasing, removing or injuring a boundary mark shall be liable to such penalty not exceeding fifty rupees as the competent authority may impose.

Penalty for injuring boundary marks.

#### CHAPTER VII.—REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

59. Land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

Land revenue to be first charge.

**Payment of land revenue.** 60. Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

**Arrear of land revenue.** 61. (1) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter. 5

(2) A statement of account certified by the circle officer shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

**Recovery of arrears.** 62. An arrear of land revenue may be recovered by any one or more of the following processes, namely:— 15

(a) by serving a written notice of demand on the defaulter;

(b) by distraint and sale of the defaulter's movable property, including the produce of the land;

(c) by the attachment and sale of the defaulter's immovable property. 20

**Notice of demand.** 63. The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be such as may be prescribed.

**Distraint and sale of movable property.** 64. (1) The distraint and sale of the movable property of a defaulter shall be made by such officers or class of officers, in such manner and in accordance with such procedure, as may be prescribed. 25

(2) Nothing in sub-section (1) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of 30 of 1908. a decree or of any article set aside exclusively for religious use.

**Sale of immovable property.** 65. (1) When the Collector is of opinion that the processes referred to in clauses (a) and (b) of section 62 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner. 35

(2) The Collector may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

5 66. (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the Collector or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; the notices and proclamations shall also be published in such manner as may be prescribed. Notice of sale.

10 (2) A copy of every notice or proclamation issued under subsection (1) shall be served on the defaulter.

67. All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed. Sale to be by auction.

15 68. No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property except on behalf of the Government. Prohibition to bid at auction.

20 69. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale. Sale of perishables.

25 70. Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale. Sales not to be excessive.

30 71. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent. on the amount of his bid, and the balance within fifteen days of the date of sale. Deposit by purchaser of immovable property.

72. (1) In default of the payment of deposit referred to in section 71, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder. Failure to make deposit.

35 (2) In default of payment of the balance of the bid amount within the period prescribed in section 71, the deposit after defraying therefrom the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.

(3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

Setting aside  
sale.

73. Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Collector may for sufficient cause allow, apply in the prescribed manner to the Collector to have the sale set aside— 5

(a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or 10

(b) on his depositing in the Collector's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, a sum equal to 5 per cent. of the purchase money. 15

Confirma-  
tion of sale.

74. If, on the expiration of thirty days from the date of sale of any immovable property or of the further period, if any, allowed under section 73, no application has been made for setting aside the sale, or if any such application has been made and rejected, the Collector shall make an order confirming the sale unless, for reasons to be recorded, the Collector sets aside the sale notwithstanding that no application therefor has been made. 20

Refunds.

75. (1) The Collector shall order the refund and payment to the purchaser, of—

(a) the amounts deposited by him under section 71; and 25

(b) the sum equal to 5 per cent. of the purchase money deposited under clause (b) of section 73;

if the sale is not confirmed or is set aside.

(2) The Collector shall order the refund and payment of all the moneys deposited under clause (b) of section 73 to the person who made the deposit, if the sale is confirmed: 30

Provided that the Collector may set off the whole or any part of any such moneys against any arrears of land revenue or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit. 35

Certificate of  
purchase.

76. When a sale held under this Chapter is confirmed, the Collector shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed manner. 40

ed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

77. The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold. Application of proceeds of sale.

78. The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale. Liability of certified purchaser.

79. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Collector may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not. Precautionary measures in certain cases.

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80. The following moneys may be recovered under this Act in the same manner as an arrear of land revenue, namely:— Recovery of other public demands.

(a) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;

25 (b) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as arrears of land revenue;

(c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

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#### CHAPTER VIII.—PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

81. (1) A revenue officer, while exercising power under this Act or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court. Revenue Officers to be courts.

(2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

Place of hearing.

82. Except for reasons to be recorded in writing, no revenue officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction: 5

Provided that a sub-divisional officer may inquire into or hear any case at the headquarters of the district to which he is appointed.

Power to enter upon and survey land.

83. All revenue officers and persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require. 10

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Power to transfer cases.

84. (1) The Administrator may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it.

(2) The Collector or a sub-divisional officer may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him competent to deal with such case or class of cases. 20

25

Power to take evidence, summon witnesses, etc.

85. (1) Every revenue officer not lower in rank than a circle officer acting as a revenue court shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required. 30

(2) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed. 35

Compelling attendance of witnesses.

86. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the

summons, the officer by whom the summons has been issued under section 85 may—

- (a) issue a bailable warrant of arrest;
- (b) order him to furnish security for appearance; or
- 5 (c) impose upon him a fine not exceeding rupees twenty.

87. (1) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be  
10 dismissed for default of payment of such process fees.

Hearing in  
absence of  
party.

(2) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed for default.

- 15 (3) The party against whom any order is passed under sub-section (1) or (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice  
20 to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

88. (1) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

Adjourn-  
ment of  
hearing.

- (2) The date and place of an adjourned hearing shall be intimat-  
25 ed at the time of the adjournment to such of the parties and witnesses as are present.

89. A revenue officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

Power to  
order pay-  
ment of  
costs.

- 30 90. Where any order is passed under this Act directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be  
35 prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

Use of force.

Appearances  
before and  
applications  
to revenue  
officers.

**91.** All appearances before, applications to, and acts to be done before, any revenue officer under this Act or any other law for the time being in force may be made or done by the parties themselves or by their authorised agents or by any legal practitioner:

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person. 5

Correction  
of error or  
omission.

**92.** Any revenue officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary. 10

Appeals.

**93. (1)** Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act,—

(a) if such an order is passed by an officer subordinate to the sub-divisional officer, to the sub-divisional officer; 15

(b) if such an order is passed by the sub-divisional officer, to the Collector;

(c) if such an order is passed by the Collector, to the Administrator;

(d) if such an order is passed by an assistant survey and settlement officer, to the survey and settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority; and 20

(e) if such an order is passed by a survey and settlement officer, to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority. 25

**(2)** A second appeal shall lie against any order passed in first appeal,—

(a) if such an order is passed under clause (a) of sub-section (1), to the Collector; 30

(b) if such an order is passed under clause (b) of sub-section (1), to the Administrator;

(c) if such an order is passed under clause (d) of sub-section (1), to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the second appellate authority; and 35



(d) if such an order is passed under clause (e) of sub-section (1), to the Administrator.

94. (1) No appeal shall lie,—

Limitation  
of appeals.

5 (a) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and

(b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

(2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

10 95. The Administrator or the Collector may, at any time, either on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may  
15 pass such order in reference thereto as he thinks fit :

Revision.

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.

96. (1) A revenue officer may, either on his own motion or on  
20 the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit :

Review of  
orders.

25 Provided that a revenue officer subordinate to the Collector shall, before reviewing any order under this section, obtain the permission of the Collector and the Collector shall, before reviewing an order passed by any of his predecessors-in-office obtain the permission of the Administrator.

30 (2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(3) No order shall be reviewed except on the following grounds, namely :—

35 (i) discovery of new and important matter of evidence;

(ii) some mistake or error apparent on the face of the record; or

(iii) any other sufficient reason.

(4) For the purposes of this section, the Collector shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district. 5

(5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.

Stay of  
execution of  
orders.

97. (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period 10 prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.

(2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit. 15

(3) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

Power to  
make rules

98. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part. 20

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be 25 used by them and the size and description of the seals;

(b) the Collector's powers of superintendence and control over other officers;

(c) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the 30 Government and the procedure to be followed by them;

(d) the disposal of Government lands by assignment or grant to individuals or to public purposes and the terms and conditions subject to which such assignments or grants may be made; 35

(e) the preservation and disposal of trees, brush wood, jungle and other natural products on Government land and the recovery of the value of trees or other natural product unauthorisedly appropriated by persons;

(f) the procedure for summary eviction of trespassers on Government land;

5 (g) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture;

(h) the grant of permission to use agricultural land for non-agricultural purposes;

(i) the determination of additional rates for use of water;

10 (j) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;

(k) the form of receipt for payment of land revenue;

(l) the conduct of surveys and settlements of land revenue;

15 (m) the manner of estimating the cost of cultivation and other expenses in relation to the inquiry into profits of agriculture;

(n) the division of survey numbers into sub-divisions \*\*\* and the assessment of sub-divisions;

20 (o) the statistical, fiscal and other records and registers to be prepared and maintained under this Part;

(p) the manner in which the costs and expenses incidental to revenue survey or the construction, repair and maintenance of boundary marks shall be determined and apportioned between persons who are liable to bear the same;

25 (q) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputes relating thereto;

30 (r) the division of areas into units for determining the revenue-rates \*\* and the preparation of the table of revenue-rates;

(s) the preparation and the preliminary and final publication of the record of rights and the table of revenue rates;

35 (t) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;

(u) the manner and extent of alteration or revision of revenue-rates during the term of settlement;

(v) the correction of *bona fide* errors and mistakes in the revenue records, registers and maps prepared under this Part;

(w) the manner in which the average yield of crops of land shall be ascertained;

(x) the manner of holding inquiries by revenue officers 5 under this Part;

(y) the application of the provisions of the Code of Civil Procedure, 1908, to cases and proceedings before a revenue 5 of 1908. court;

(z) the form of summons and other processes, notices, orders 10 and proclamations to be issued or made by revenue officers and the manner of their service;

(aa) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII; 15

(bb) the manner of publication of notices and proclamations of attachment and sale of property;

(cc) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;

(dd) the manner of payment of deposit and of the purchase 20 money of property sold for arrears of land revenue;

(ee) the circumstances in which precautionary measures for securing the land revenue under section 79 \*\* may be taken;

(ff) the procedure for the transfer of cases from one revenue officer to another; 25

(gg) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefor;

(hh) the grant of certified copies and the payment of fees for 30 inspection and grant of certified copies of revenue records and registers;

(ii) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order; 35

(jj) any other matter which is to be or may be prescribed.

## PART III

## CHAPTER IX—RIGHTS OF RAIYATS IN LAND

99. (1) For the removal of doubts, it is hereby declared that sub-  
 ject to the other provisions of this Act,— Rights of  
raiylats.

5 (a) the rights of a raiyat in his land shall be permanent,  
 heritable and transferable;

(b) the raiyat shall be entitled by himself, his servants,  
 under-raiyats, agents or other representatives to erect farm  
 10 buildings, construct wells or tanks or make other improvements  
 thereon for the better cultivation of the land or its convenient  
 or profitable use;

(c) the raiyat is entitled to plant trees on his land, to enjoy  
 the products thereof and to fell, utilise or dispose of the timber  
 of any trees on his land.

15 (2) Nothing in sub-section (1) shall entitle a raiyat to use his  
 land to the detriment of any adjoining land which is not his or in  
 contravention of the provisions of any other law for the time being  
 in force applicable to such lands.

100. (1) Every raiyat who, at the commencement of this Act, Reservation  
of land for  
personal  
cultivation.  
 20 owns land in excess of a basic holding shall be entitled to apply to  
 the competent authority for the reservation for his personal culti-  
 vation of any parcel or parcels of his land leased to under-raiyats.

(2) Every application under sub-section (1) shall be in the pres-  
 cribed form and shall be made in the prescribed manner within a  
 25 period of one year from the commencement of this Act.

*Explanation.*—In the case of a person under disability, the  
 application shall be made by his guardian or his authorised agent,  
 as the case may be.

101. (1) The competent authority shall, on an application made Procedure  
for reserva-  
tion of lands  
 30 under section 100, issue notice together with a copy of the applica-  
 tion to each of the under-raiyats holding land from the applicant  
 requiring the under-raiyat to submit his objections, if any, within  
 a period of ninety days from the date of service of such notice or  
 within such further period as the competent authority may allow.

35 (2) An under-raiyat on whom a notice has been served under  
 sub-section (1) shall furnish to the competent authority within the  
 period aforesaid details of lands owned by him or held as under-  
 raiyat of any other raiyat and of lands which he selects for reten-  
 tion by him.

(3) The competent authority shall, after considering the objections and the details, if any, furnished by the under-raiyats and after making such inquiry as it may consider necessary, determine the land or lands, not exceeding the permissible limit, which in its opinion having regard to all the circumstances of the case may be reserved for personal cultivation of the raiyat and the lands which each of his under-raiyats may be allowed to retain.

"Permissible limit" defined.

102. (1) In section 101, "permissible limit" means an area of land which a raiyat may resume from under-raiyats for personal cultivation, that is to say:—

(a) in the case of a person under disability, 25 standard acres;

(b) in the case of any other person who—

(i) owns a basic holding or less, the entire area owned by him;

(ii) owns more than a basic holding but not exceeding a family holding, one-half of the area leased to under-raiyats or the area by which the land under his personal cultivation falls short of a basic holding, whichever is greater;

(iii) owns more than a family-holding,—

(1) if he has no land, or any land which is less than a family holding, under his personal cultivation, one-half of the area leased to under-raiyats but not exceeding the area by which land under his personal cultivation falls short of a family holding, provided that the under-raiyat is left with not less than a basic holding and provided further that a raiyat shall in any case be entitled to resume an area by which land under his personal cultivation falls short of a basic holding; and

(2) if he has a family holding or more under his personal cultivation, the area leased to under-raiyats but not exceeding the area by which land in his personal cultivation falls short of 25 standard acres, provided that the under-raiyat is left with not less than a family holding.

*Explanation.*—For the purpose of determining the permissible limit of a raiyat under this sub-section, any non-resumable land which he may hold as an under-raiyat shall also be taken into account.

(2) Notwithstanding anything contained in sub-section (1), an under-raiyat who under any law, custom or usage is not liable to

eviction at the commencement of this Act on the ground that the land is required for personal cultivation, shall in all cases be left with a basic holding or the land actually held by him, whichever is less.

- 5 (3) Any transfer of land made on or after the 10th August, 1957 shall be disregarded in computing the permissible limit.

103. In the case of a raiyat who at the commencement of this Act does not own land in excess of a basic holding, all lands owned by him and held by under-raiyats at such commencement shall, subject to the provisions of sub-section (2) of section 102, be deemed to have been reserved for his personal cultivation. Land deemed to be reserved for personal cultivation in certain cases.

*Explanation.*—Any transfer of land made on or after the 10th August, 1957 shall be disregarded in determining the extent of land owned by a raiyat at the commencement of this Act.

- 15 104. The competent authority shall declare every land which, under sub-section (3) of section 101, an under-raiyat is allowed to retain to be the non-resumable land of the under-raiyat. Non-resumable land.

105. (1) Subject to the provisions of this Act, a raiyat may lease out his land to another person on such rent not exceeding the maximum rent referred to in section 111 as may be agreed upon between him and such person. Right to lease.

(2) Every lease of land made after the commencement of this Act shall be for a period of five years and at the end of the said period, and thereafter at the end of every such period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the same terms and conditions except to the extent that a modification thereof consistent with this Act is agreed to by both parties.

(3) In respect of any lease made after the commencement of this Act, a raiyat who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the under-raiyat three months' notice in writing before the expiry of any year, and any other raiyat may by giving the under-raiyat one year's notice in writing before the expiry of any term of five years, terminate the tenancy if the raiyat requires the land *bona fide* for personal cultivation by him.

106. (1) Where the Collector is satisfied that any land has remained uncultivated for a period of not less than two consecutive years otherwise than in accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring Land left uncultivated.

the full and efficient use of the land for agriculture to do so, he may after making such inquiry as may be prescribed lease out the land in accordance with the rules made under this Act.

(2) Any lease made under sub-section (1) shall be deemed to be a lease made by the raiyat under sub-section (1) of section 105. 5

Relinquish-  
ment.

107. (1) Subject to any rules that may be made under this Act, a raiyat may relinquish his rights in respect of any land in his possession in favour of Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon he shall cease to be a raiyat in respect of that land from the year next following the date of notice: 10

Provided that relinquishment of only a part of a holding or of a holding which, or part of which, is subject to an encumbrance or a charge, shall not be valid. 15

(2) If any person relinquishes his rights to a land under sub-section (1), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

#### CHAPTER X—RIGHTS OF UNDER-RAIYATS

20

Interest of  
under-  
raiylats.

108 (1) The interest of an under-raiyat in any land held by him as such shall be heritable but, save as otherwise provided in this Act, shall not be transferable.

(2) No under-raiyat shall be evicted from his land except as provided in this Act. 25

Right to  
create a  
mortgage  
or charge.

109. It shall be lawful for an under-raiyat to create a simple mortgage or a charge on his interest in the land leased to him, in favour of the Government or a co-operative society in consideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan. 30

Right to  
make  
improve-  
ments.

110. An under-raiyat may, with the permission in writing of the raiyat, or if permission is refused without sufficient reason or is not given within two months, after obtaining the orders of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to 35



pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

111. The rent payable by an under-raiyat in respect of any land **Maximum**  
5 held by him shall not exceed,— **rent.**

(a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the raiyat and one-fifth of such  
10 produce or its value as so estimated if plough cattle is not supplied by the raiyat;

(b) in any other case, four times the land revenue payable in respect of the land.

112. (1) The rent payable by an under-raiyat shall, subject to the **Payment of**  
15 provisions of section 111, be the rent agreed upon between him and **rent.** the raiyat, or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may have been agreed upon, or in the absence of such agreement, as may be prescribed.

20 113. (1) The competent authority may, on application made to it **Reasonable**  
in this behalf by the raiyat or the under-raiyat, determine the rea- **rent.** sonable rent for any land.

(2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as  
25 may be prescribed.

(3) In determining the reasonable rent, the competent authority shall have regard to—

(a) the rental value of lands used for similar purposes in the locality;

30 (b) the profits of agriculture of similar lands in the locality;

(c) the price of crops and commodities in the locality;

(d) the improvements, if any, made to the land by the raiyat or the under-raiyat;

(e) the land revenue payable in respect of the land; and

35 (f) any other factor which may be prescribed.

(4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely:—

(a) that the quality of the land has deteriorated by flood or other natural causes; 5

(b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the raiyat;

(c) that the extent of land has been altered by more than one acre by alluvion or diluvion; 10

(d) that the land has been partially or wholly rendered unfit for cultivation.

(5) Nothing in sub-sections (1) to (4) shall affect the right of the Government to make an order directing the determination of the reasonable rent of lands in any specified area. 15

Commuta-  
tion of rent  
payable in  
kind.

114. (1) In any case in which rent is payable in kind, the raiyat or the under-raiyat may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

(2) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 111. 20

(3) In determining the money rent, regard shall be had to—

(a) the average money rent payable by under-raiyats for land of similar description and with similar advantages in the vicinity; 25

(b) the average value of the rent for the land actually received by the raiyat during the three years preceding the date of application; 30

(c) the average prices of crops and commodities in the locality during the three years preceding the date of application;

(d) the improvements, if any, made to the land by the raiyat or the under-raiyat; and 35

(e) any other factor which may be prescribed.

Receipt for  
payment of  
rent.

115. Every raiyat shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed duly signed by him or his authorised agent.

116. If any raiyat recovers from an under-raiyat rent in excess of the amount due under this Act, he shall forthwith refund the excess amount so recovered and shall also be liable to punishment as provided in this Act. Refund of  
rent recovered  
in  
excess.

5 117. (1) Where a raiyat has obtained from or been granted by the Government any relief by way of suspension or remission, whether in whole or in part, of the land revenue payable in respect of his land, he shall be bound to give, and the under-raiyat concerned shall be entitled to receive from the raiyat, a corresponding or  
10 proportionate relief by way of suspension or remission of rent payable in respect of such land. Suspension  
or remission  
of rent.

(2) The nature and extent of the relief which a raiyat is bound to give and which the under-raiyat is entitled to receive under sub-section (1) shall be determined in accordance with the rules made  
15 under this Act

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a raiyat of any rent the payment of which has been remitted, or during the period for which the payment of such rent has been suspended, under this section.

20 (4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation for any suit or proceeding for the recovery of such rent.

(5) If any raiyat fails to suspend or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the  
25 under-raiyat the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Act.

118. (1) No person shall be evicted from any land held by him as under-raiyat except under the order of the competent authority  
30 made on any of the following grounds, namely:— Eviction of  
under-  
raiyat.

(a) that the land has been reserved for personal cultivation of the raiyat under section 101, or is deemed to have been reserved for personal cultivation of the raiyat under section 103;

35 (b) that a notice has been given to the under-raiyat under sub-section (3) of section 105;

(c) that the under-raiyat has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(d) that the under-raiyat has failed to pay rent within a period of three months after it falls due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent;

5

(e) that the under-raiyat, not being a person under disability, has, after the commencement of this Act, sublet the land without the consent in writing of the raiyat.

(2) No order for eviction of an under-raiyat shall be executed till the standing crops, if any, on the land are harvested.

10

(3) Where any land has been reserved for the personal cultivation of a raiyat by an order made under sub-section (3) of section 101, no suit or application for the eviction of the under-raiyat in respect of such land under clause (a) of sub-section (1) shall lie after the expiry of five years from the commencement of this Act 15 or one year from the date of the said order, whichever is later:

Provided that where any such raiyat is a person under disability, such suit or application may be instituted or made within a period of five years from the date when the disability ceases.

*Explanation.*—For the purposes of this sub-section, the disability of a person shall cease,—

20

(a) in the case of a widow, if she re-marries, on the date of her remarriage or if any person succeeds to the widow on her death, on the date of her death;

(b) in the case of a minor, on the date of his attaining majority;

(c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage or remarriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (d) 30 or (e), on the date on which the disability of the husband ceases;

(d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

(e) in the case of a person suffering from a physical or 35 mental disability, on the date on which the disability ceases to exist.

Restoration  
of possession  
of land  
to under-  
raiyat.

**119.** Where a person who has taken possession of any land by evicting an under-raiyat therefrom on the ground that the land had been reserved for personal cultivation by him, fails to cultivate such 40 land personally within one year from the date on which he took

possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the under-raiyat shall be entitled to be restored to possession of the land from which he was evicted.

- 5 *Explanation.*—For the purpose of this section, land shall not be deemed to be under the personal cultivation of a person (not being a person under disability) unless such person or a member of his family engages himself in the principal agricultural operations.

120. (1) If a raiyat fails to—

- 10 (a) apply for reservation of any land within the period prescribed in section 100, and the land is not deemed to have been reserved under section 103, or

Certain lands to be non-resumable land of under-raiyat.

- 15 (b) file a suit or application for the eviction of the under-raiyat from any land reserved under section 101 \*\* within the period prescribed in sub-section (3) of section 118, or

- (c) cultivate or ceases to cultivate the land and the under-raiyat is restored to possession of the land under section 119,

the competent authority may *suo motu* and shall, on application, after making such inquiry as may be prescribed, declare the land to  
20 be the non-resumable land of the under-raiyat.

121. (1) An under-raiyat who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation, before he is so evicted, for such improvement as, in the  
25 opinion of the competent authority, is reasonable.

Compensation for improvements.

- (2) The compensation payable to an under-raiyat under sub-section (1) shall be determined in accordance with the value of such improvements on the date of eviction, and in determining such compensation, regard shall be had to the following matters,  
30 namely:—

- (a) the amount by which the value of the land has increased by reason of the improvement;

- (b) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;  
35

- (c) the labour and capital involved in the making of the improvement; and

- (d) the advantages secured by the under-raiyat in consideration of the improvement made by him.

(3) In any case in which compensation is payable to an under-raiyat under this section, the competent authority may direct that—

(a) the whole or any part of any loan which the under-raiyat has taken on the security of his interest in the land under section 109 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be; 5

(b) any arrear of rent due by the under-raiyat to the raiyat and the costs, if any, awarded to the raiyat shall be adjusted against the compensation. 10

Under-raiyat may remove buildings, works, etc., not deemed improvements.

122. An under-raiyat against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable by the competent authority any work of improvement which can be severed from the land and which the under-raiyat desires to remove, or any building or construction or work (which is not an improvement) in respect of which the raiyat is not willing to pay the compensation. 15

Restoration of possession of land in certain other cases.

123. (1) Where an under-raiyat of any land has, on or after the 10th August, 1957, surrendered, or been evicted from, such land and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority, may *suo motu* or on application made by the under-raiyat, restore him to possession of the land which he surrendered or from which he was evicted unless some other under-raiyat, not being a member of the raiyat's family, had *bona fide* been admitted to possession of such land. 20 25

(2) The competent authority shall, before making an order under sub-section (1), make such inquiry as may be prescribed.

Relief against termination of tenancy for act of waste.

124. Where a tenancy is sought to be terminated on the ground that the under-raiyat has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the under-raiyat unless and until the raiyat has served on the under-raiyat a notice in writing specifying the damage complained of and the under-raiyat has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor. 30 35

Surrender of land by under-raiyat.

125. (1) After the commencement of this Act, no under-raiyat shall surrender any land held by him as such, and no raiyat shall enter upon the land surrendered by the under-raiyat, without the previous permission in writing of the competent authority. 40

(2) Such permission shall be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that the proposed surrender is *bona fide* and in case the surrender is by a person who was holding the land as under-raiyat immediately before the commencement of this Act, the permissible limit of the raiyat concerned is not exceeded by such surrender; in other cases, the permission shall be refused.

(3) Where permission is refused in any case, and the under-raiyat gives a declaration in writing relinquishing his rights in the land, the competent authority shall, in accordance with the rules made in this behalf, lease out the land to any other person who shall acquire all the rights of the under-raiyat who relinquished his rights.

126. Subject to the other provisions of this Act, the ownership of any land which is declared to be the non-resumable land of an under-raiyat under section 104 or section 120 shall stand transferred from the raiyat thereof to the under-raiyat with effect from the date of such declaration, and the under-raiyat shall become the owner of such land and be liable to pay land revenue therefor.

Transfer of ownership of land to under-raiyats.

127. (1) In respect of every land the ownership of which stands transferred to the under-raiyat under section 126, the raiyat shall be entitled to compensation which shall consist of the aggregate of the following amounts, that is to say,—

Compensation to raiyat.

(a) an amount equal to thirty times the full land revenue payable for the land or, if the land is held revenue-free or at a concessional rate, thirty times the amount of land revenue payable for similar lands in the locality;

(b) the value of trees, if any, planted by the raiyat.

*Explanation.*—Where any improvement has been made on the land at the expense of the raiyat at any time subsequent to the last settlement, the land revenue for the purpose of this section shall be the land revenue payable for similar lands in the locality.

(2) The land revenue payable for similar lands in the locality and the value of trees referred to in sub-section (1) shall be determined in the prescribed manner.

(3) Every raiyat entitled to compensation under this section shall, within a period of six months from the date of the declaration referred to in section 126, apply to the competent authority in the prescribed manner for determining the compensation.

Payment of  
compensation to  
raiyat.

128. (1) The compensation to which a raiyat is entitled under section 127 shall be paid to him by the Government in the first instance, and it may be paid in cash, in lump sum or in annual instalments not exceeding twenty or in the form of bonds which may be negotiable or non-negotiable but transferable.

5

(2) From the date of the declaration referred to in section 126, the raiyat shall be entitled to interest at the rate of  $2\frac{1}{2}$  per cent. per annum on the compensation or such portion thereof as remains unpaid.

(3) Any mortgage of, or encumbrance on, the land of which the ownership is transferred to the under-raiyat under section 126 shall be a valid charge on the amount of compensation payable to the raiyat.

(4) Notwithstanding anything contained in sub-sections (1) to (3), where the person entitled to compensation under section 127 is a charitable or religious institution, the compensation shall, instead of being assessed under that section, be assessed as a perpetual annuity equal to the reasonable rent for the land, less the land revenue payable on such land. The amount so assessed shall be paid to such institution in the prescribed manner.

20

Under-  
raiyat to  
pay com-  
pensation  
amount.

129. (1) Every under-raiyat to whom ownership of any land has been transferred under section 126 shall be liable to pay to the Government in respect of that land compensation as determined under section 127.

(2) The compensation shall be payable in cash, in lump sum or in such number of annual instalments not exceeding twenty as may be prescribed. Interest at the rate of  $2\frac{1}{2}$  per cent. per annum shall be payable on the compensation or such portion thereof as remains unpaid.

(3) The compensation payable under this section shall be a charge on the land.

(4) The compensation or any instalment thereof shall be recoverable in the same manner as an arrear of land revenue.

Issue of  
certificates  
to under-  
raiyats.

130. When the compensation or the first instalment of the compensation, as the case may be, has been paid by the under-raiyat, the competent authority may *suo motu* and shall, on application made to it in this behalf, issue to the under-raiyat a certificate in the prescribed form declaring him to be the owner of the land specified therein.

35



**131.** (1) If a raiyat at any time intends to sell his land held by an under-raiyat, he shall give notice in writing of his intention to such under-raiyat and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

First option to purchase.

(2) If there is any dispute about the reasonable price payable for the land, either the raiyat or the under-raiyat may apply in writing to the competent authority for determining the reasonable price; and the competent authority, after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(3) The under-raiyat shall deposit with the competent authority the amount of the price determined under sub-section (2) within such period as may be prescribed.

(4) On deposit of the entire amount of the reasonable price, the competent authority shall issue a certificate in the prescribed form to the under-raiyat declaring him to be the purchaser of the land; the competent authority shall also direct that the reasonable price deposited shall be paid to the raiyat.

(5) If an under-raiyat does not exercise the right of purchase in response to the notice given to him by the raiyat under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), such under-raiyat shall forfeit his right of purchase, and the raiyat shall be entitled to sell such land to any other person.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the under-raiyat in such land.

**132.** (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the form of notices to be issued under this Part and the manner of their service;
- (b) the manner of holding inquiries under this Part;
- (c) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;
- (d) the conditions subject to which lands may be leased by the Collector under section 106;

- (e) the form of applications to be made under this Part, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;
- (f) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land, for the purposes of this Part; 5
- (g) the time and manner of payment of rent by the under-raiyat;
- (h) the form of receipt for rent to be given by the raiyat;
- (i) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;
- (j) the nature and the extent of relief to the under-raiyat in cases of suspension or remission of land revenue by the Government; 15
- (k) the determination of compensation for improvements to under-raiyats who are evicted from land;
- (l) the grant of permission to surrender land;
- (m) the determination of the amount of compensation payable to the raiyat in respect of the non-resumable lands of under-raiyats; 20
- (n) the form of certificates to be granted to under-raiyats;
- (o) the determination of the price to be paid by under-raiyat for land in respect of which the first option to purchase is exercised; 25
- (p) any other matter which is to be or may be prescribed

#### PART IV

#### CHAPTER XI.—ACQUISITION OF ESTATES AND OF RIGHTS OF INTERMEDIARIES THEREIN

Definitions.

133. In this Part,—

30

(a) “estate” means lands included under one entry in any of the general registers of revenue-paying and revenue-free lands and includes—

- (i) revenue-free lands not entered in any register, and
- (ii) a part of, or a share in, an estate; 35

(b) “homestead” means a dwelling house together with any courtyard, compound, garden, or outhouse and includes any out-buildings used for purposes connected with agriculture and any family graveyard, library, office, guesthouse, grain store,

latrines, boundary walls, tanks, wells or places of worship appertaining to such dwelling house;

(c) "intermediary" means a person who holds in an estate the right, title or interest of a talukdar and includes—

5 (i) a person who holds land either revenue-free or at a concessional rate, and

(ii) a tenure holder;

(d) "tenant" means a person who cultivates or holds the land of an intermediary under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of an intermediary under the system generally known as "*bhag*", "*adhi*" or "*barga*"; and the term "sub-tenant" shall be construed accordingly;

15 (e) "tenure holder" means a person who has acquired from an intermediary the right to hold lands for the purpose of collecting rents or bringing them under cultivation by establishing tenants thereon.

20 134. (1) As soon as may be after the commencement of this Act, the Administrator may, by notification in the Official Gazette, declare that, with effect from the date specified in the notification (hereinafter referred to as the vesting date), all estates situated in any area or areas and all rights, title and interest of every intermediary in such estates shall vest in the Government free from all encumbrances.

Notification vesting estates in the State.

(2) Every notification under sub-section (1) shall also be published in such other manner as may be prescribed.

30 (3) The publication of a notification in the manner provided in sub-sections (1) and (2) shall be conclusive evidence of the notice of declaration to the intermediaries whose interests are affected by such notification.

135. Notwithstanding anything contained in any law for the time being in force or in any agreement or contract, express or implied, with effect from the vesting date,—

Consequences of a notification under section 134.

35 (a) each estate to which the notification relates and all rights, title and interest of intermediaries in such estate shall vest in the Government free from all encumbrances, including—

(i) rights in hats, bazars, ferries, forests, wastelands, *abadi* sites, fisheries, tolls and other interests;

40 (ii) rights in any building other than a dwelling house or in any part of such building, used primarily as office or *cutcherry* for collection of rent;

(b) all grants and confirmation of title to the estate and rights therein made in favour of an intermediary shall cease and determine;

(c) any building used for educational or charitable purposes and held by the intermediary shall vest in the Government for those \* \* educational or charitable purposes; 5

(d) subject to the other provisions of this Act, every tenant holding any land under an intermediary shall hold the same directly under the Government as a raiyat thereof and shall be liable to pay to the Government land revenue equal to the rent 10 payable by him to the intermediary on the vesting date, subject to a maximum of the value of one-eighth of the gross produce, which value shall be determined in the manner prescribed:

\* \* \* \*

Provided \*that the tenant shall become the owner of any 15 building or structure constructed on such land at the expense of the intermediary on payment of such compensation to the intermediary as is equivalent to its market value on the vesting date, which value shall be determined in accordance with the rules made in this behalf; 20

(e) all arrears of land revenue, local rates, cesses and other dues lawfully payable to the Government by the intermediary on the vesting date in respect of the estate shall, without prejudice to any other mode of recovery, be recoverable by deduction from the compensation payable to the intermediary; 25

(f) all rents and other dues in respect of the estate for any period after the vesting date which, but for this Act, would be payable to an intermediary shall be payable to the Government, and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same; 30

(g) where under any agreement or contract made before the vesting date, any rent, cess, local rate or other dues for any period after the said date has been paid to or compounded or released by an intermediary, the same shall, notwithstanding such agreement or contract, be recoverable by the Government 35 from the intermediary, and may, without prejudice to any other mode of recovery, be realised by deduction from the compensation payable to the intermediary.

Rights of  
interme-  
diary to  
certain  
lands.

136. (1) Notwithstanding anything contained in sections 134 and 135, an intermediary shall, subject to the provisions of sub-section 40 (2), be entitled to retain with effect from the vesting date,—

(a) homesteads, buildings and structures together with the lands appurtenant thereto in the occupation of the intermediary

other than buildings vested in the Government under section 135;

(b) lands under the personal cultivation of the intermediary;

5 (c) lands in which permanent rights have not already accrued to a tenant under any custom, agreement or law and which have been leased by an intermediary who, both at the commencement of the lease and on the vesting date, was a person under disability;

10 (d) lands held by the intermediary as mortgagor which are subject to usufructuary mortgage and are under the personal cultivation of the mortgagee;

(e) lands comprised in orchards or used for the purpose of live-stock breeding, poultry farming, or dairy farming, which are in the occupation of the intermediary;

15 (f) so much of the lands comprised in a tea garden, mill, factory or workshop as in the opinion of the Administrator \* is required for such tea garden, mill, factory or workshop.

(2) An intermediary who is entitled to retain possession of any land under sub-section (1) shall hold such land directly under the  
20 Government from the vesting date as a riyat thereof and be liable to pay therefor land revenue at full rate applicable to similar lands in the locality.

137. (1) The Collector shall take charge of estates and interests of intermediaries which vest in the Government under section 135.

Collector to take charge of estates, etc., vested in the Government.

25 (2) For the purpose aforesaid, the Collector may, by written order served in the prescribed manner, require any intermediary or other person in possession of any such estate or interest to give up such possession by a date to be specified in the order (which shall not be earlier than sixty days from the date of service of the order)  
30 or to deliver by that date any documents, registers, or records, connected with the management of such estate or interest which are in his custody or to furnish a statement in the prescribed form in respect of such estate or interest.

(3) The Collector or any other officer authorised by him in this  
35 behalf may take such steps or use such force as may be necessary to enforce compliance with the order and may also enter any building or place for the purpose of taking possession of the documents, registers or records referred to in sub-section (2).

(4) An intermediary shall be entitled to make inspection of any  
40 documents, registers or records which have been delivered to or taken possession of by the Collector, to make notes therefrom or to have certified copies thereof granted to him. No fees shall be charged

for making inspection or for making notes, but fees may be charged, according to the prescribed scale, for the grant of certified copies.

(5) Nothing in this section shall be deemed to authorise the Collector to take possession of—

(a) any land or of any right of an intermediary therein, 5 which may be retained by the intermediary under section 136, or

(b) any religious institution or any building connected therewith.

Decision of disputes.

138. If there is any dispute as to the possession of any homestead or land or building referred to in sub-section (1) of section 136, the 10 Collector shall, on application made to him in this behalf, make such inquiry as he deems fit and pass such orders thereon as may appear to him just and proper.

Appeal.

139. An appeal against an order of the Collector passed under section 138, if preferred within sixty days of such order, shall lie to the 15 District Judge having jurisdiction.

#### CHAPTER XII.—ASSESSMENT AND PAYMENT OF COMPENSATION

Intermediaries entitled to receive compensation.

140. Every intermediary, whose right, title and interest in any estate vest in the Government under Chapter XI shall be entitled to receive and be paid therefor compensation as hereinafter provided. 20

Date from which compensation shall be due.

141. The compensation referred to in section 140 shall be due as from the vesting date and the portion remaining unpaid shall carry interest at the rate of 2½ per cent. per annum.

Every intermediary to be treated as a separate unit.

142. (1) For the purpose of assessing compensation under this Chapter,— 25

(a) every intermediary shall be treated as a separate unit;

(b) if two or more intermediaries hold an estate or any interest therein jointly, the share of each intermediary in such estate or interest shall be treated as a separate unit:

Provided that where any such estate or interest is held by a Hindu joint family consisting of a common ancestor in the male line and his descendants, the family shall, if the common ancestor was alive on the vesting date, be treated as one unit; 30

(c) if an intermediary holds shares or interest in two or more estates, the aggregate of his shares or interest in all such 35 estates shall be treated as a single unit.

(2) Notwithstanding anything to the contrary contained in any other law, no partition or transfer by way of sale or gift of an estate or part thereof made on or after the 10th August, 1957, shall be recognised for the purpose of assessing the compensation.

5 (3) Nothing in sub-section (2) shall apply to—

(a) any sale made under an order of court in execution of any decree or order for payment of money, or

21 of 1860.

10 (b) any sale or gift made in favour of a wakf, a trust, an endowment or a society registered under the Societies Registration Act, 1860 and established wholly for charitable purposes, unless the Government in any particular case directs otherwise.

15 143. The Administrator shall, as soon as possible after the publication of a notification under section 134, appoint one or more officers to be compensation officers to prepare compensation assessment rolls and to perform such other duties as may be prescribed.

Appoint-  
ment of  
compensa-  
tion  
officers.

144. (1) The compensation officer shall prepare a compensation assessment roll in respect of every estate vested in the Government under Chapter XI.

Compensa-  
tion assess-  
ment roll.

20 (2) The compensation assessment roll shall contain particulars of the gross income and the net income from the estate, the share of the net income of the intermediary or each of the intermediaries, the amount of compensation payable to him or them and such other particulars as may be prescribed.

25 (3) Where an intermediary has shares or interest in two or more estates all of which have vested in the Government, the particulars of the shares or interest of such intermediary in the net income from all such estates and the compensation payable to him in respect of his shares or interest in all such estates shall be shown in the compensation assessment roll relating to any one of such estates.

30 (4) Where an intermediary has shares or interest in two or more estates either or any of which has not vested in the Government, the compensation payable to the intermediary shall be determined after all such estates have vested in the Government, on the basis of the aggregate of his shares or interest in the net income from all such estates.

35 (5) Nothing in sub-section (4) shall be construed as authorising the postponement of payment of *ad interim* compensation to any such intermediary as is referred to in that sub-section in respect of the estate or estates which have vested in the Government.

40 (6) For the purpose of preparing the compensation assessment roll, the compensation officer may require an intermediary to submit such statements and furnish such particulars as may be prescribed.

Determina-  
tion of  
gross in-  
come and  
net income.

145. (I) For the purpose of assessment of compensation payable in respect of an estate,—

(a) the gross income from the estate shall be taken to consist of—

(i) in respect of lands other than those referred to in section 136, the rents, cesses, local rates and other amounts payable or deemed to be payable to the intermediary or intermediaries by the tenants and tenure-holders for the previous year, including the commuted value of rents payable in kind which value shall be determined in the prescribed manner; 5

(ii) the gross income from *abadi* sites, fisheries, hats, bazars, ferries, forests, tolls, waste lands and other interests in the estate for the previous year;

(iii) the aggregate of the annual rents for the previous year from buildings used as offices or *cutcheries* and any other building which vest in the Government; 15

(iv) any other income during the previous year appertaining to the estate vesting in the Government not expressly mentioned in the foregoing sub-clauses;

(b) the net income from the estate shall be computed by deducting from the gross income the following, namely:— 20

(i) any sum which was payable by the intermediary or intermediaries during the previous year as land revenue, cesses, local rates or rent to the Government in respect of the interests to which the gross income relates; 25

(ii) any sum payable under the Bengal Agricultural Income-tax Act, 1944, as extended to Tripura or the Indian Income-tax Act, 1922, during the previous year as defined in those Acts, in respect of the interests to which the gross income relates; 30

Ben. IV of  
1944.  
11 of 1922.

(iii) charges on account of management and collection at the following rates, namely:—

Amount of gross income	Rate	
(a) Where the gross income exceeds Rs. 30,000.	15 per centum of such gross income.	35
(b) Where the gross income exceeds Rs. 10,000 but does not exceed Rs. 30,000.	12½ per centum of such gross income.	
(c) Where the gross income exceeds Rs. 5,000 but does not exceed Rs. 10,000.	10 per centum of such gross income.	40



(d) Where the gross income exceeds  $7\frac{1}{2}$  per centum of such gross Rs. 2,500 but does not exceed Rs. income. 5,000.

(e) Where the gross income does not 5 per centum of such gross exceed Rs. 2,500. income:

Provided that the net income (after deducting the charges on account of management and collection) from an estate which falls under item (a), (b), (c) or (d) shall in no case be less than the maximum net income from an estate which falls under the item immediately following.

*Illustration.*—The net income after deducting the charges on account of management and collection at  $12\frac{1}{2}$  per cent. under item (b) from an estate the gross income of which is Rs. 10,100 will be Rs. 8,837·50 while the net income after deducting the charges on account of management at 10 per cent. under item (c) from an estate the gross income of which is Rs. 10,000 will be Rs. 9,000; under the proviso, the net income from the first mentioned estate shall be taken to be Rs. 9,000 and not Rs. 8,837·50.

(2) The net income from the estate as determined under sub-section (1) shall be apportioned among all the intermediaries having a share or interest in the estate in the proportion of their shares or interest, and if in doing so, any dispute involving a question of title arises, the compensation officer shall refer the parties to a civil court.

*Explanation.*—For the purpose of this section except \*clause (b) (ii) of sub-section (1), “previous year” means the year immediately preceding the year in which the vesting date falls.

146. (1) The compensation payable to an intermediary shall be a multiple of his net income from the estate or where the intermediary has shares or interests in two or more estates, of the aggregate of his net incomes from all such estates, in accordance with the following table, namely:—

<i>Amount of net income</i>	<i>Total compensation payable</i>
(a) Where the net income does not exceed Rs. 1,000.	Fifteen times such net income.
(b) Where the net income exceeds Rs. 1,000 but does not exceed Rs. 2,500.	Twelve times such net income or the maximum amount under (a) above, whichever is greater.

- |   |   |
|---|---|
| (c) Where the net income exceeds Rs. 2,500 but does not exceed Rs. 5,000.       | Eleven times such net income or the maximum amount under (b) above, whichever is greater.   |
| (d) Where the net income exceeds Rs. 5,000 but does not exceed Rs. 7,500.       | Ten times such net income or the maximum amount under (c) above, whichever is greater.      |
| (e) Where the net income exceeds Rs. 7,500 but does not exceed Rs. 10,000.      | Nine times such net income or the maximum amount under (d) above, whichever is greater.     |
| (f) Where the net income exceeds Rs. 10,000 but does not exceed Rs. 15,000.     | Eight times such net income or the maximum amount under (e) above, whichever is greater.    |
| (g) Where the net income exceeds Rs. 15,000 but does not exceed Rs. 30,000.     | Seven times such net income or the maximum amount under (f) above, whichever is greater. 20 |
| (h) Where the net income exceeds Rs. 30,000 but does not exceed Rs. 50,000.     | Six times such net income or the maximum amount under (g) above, whichever is greater.      |
| (i) Where the net income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000.   | Five times such net income or the maximum amount under (h) above, whichever is greater. 25  |
| (j) Where the net income exceeds Rs. 1,00,000 but does not exceed Rs. 3,00,000. | Three times such net income or the maximum amount under (i) above, whichever is greater. 30 |
| (k) Where the net income exceeds Rs. 3,00,000.                                  | Two times such net income or the maximum amount under (j) above, whichever is greater. 35   |

(2) Where the net income or any portion of the net income from an estate is dedicated exclusively to charitable or religious purposes, the compensation payable in respect of such net income or portion shall, instead of being assessed under sub-section (1), be assessed as a perpetual annuity equal to such net income or portion, as the case may be, payable in the prescribed manner for those purposes. 40

*Explanation.*—For the purpose of this sub-section, if the salary, remuneration or any allowance payable to the Mutawalli of a wakf or the shebait of a Hindu temple or a trustee of any other charitable or religious trust does not exceed 15 per cent. of the net income, then such net income shall be deemed to be dedicated exclusively to charitable or religious purposes.

147. (1) The Administrator shall appoint a claims officer not below the rank of sub-judge to dispose of the claims of creditors whose debts are secured by a mortgage of or charge on any estate or part thereof vested in the Government under section 134 and to discharge any other duties assigned to him by this Act or the rules made thereunder.

(2) Every creditor referred to in sub-section (1) shall prefer his claim in writing before the claims officer in the manner and within the time prescribed.

(3) The claims officer shall inquire into the claims in accordance with such rules as may be prescribed and determine the amount to which each of the creditors is entitled.

4 of 1882. (4) Where there are two or more creditors, the claims officer shall determine, in accordance with the provisions of the Transfer of Property Act, 1882, the order in which each such creditor is entitled to receive the amount due to him.

148. (1) Any person aggrieved by an order of the claims officer may, within sixty days of the date of the order, prefer an appeal to the District Judge having jurisdiction.

(2) The decision of the District Judge on appeal, or of the claims officer where no appeal is preferred, shall be final.

149. (1) After the amount of compensation has been determined in accordance with the provisions of section 146 and entered in the compensation assessment roll, the compensation officer shall cause a draft of such roll to be published in the prescribed manner and for the prescribed period. The compensation officer shall send copies of the relevant portions of the draft roll to the intermediaries concerned and shall receive and consider any objections which may be made within three months of the receipt of such copy to any entry therein or to any omission therefrom. The compensation officer shall dispose of such objections in the prescribed manner.

(2) Separate draft compensation assessment rolls may be prepared and published under sub-section (1) for different villages or groups of villages.

Contents of  
the order of  
compensation  
officer.

**150.** Every order of the compensation officer deciding an objection under sub-section (1) of section 149 shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

Appeals  
against  
order of  
compensation  
officer.

**151.** (1) From every order passed by a compensation officer under section 150, an appeal shall lie to a Special Judge appointed for the purpose, within ninety days of the date of the order.

(2) An appeal shall lie to the court of the Judicial Commissioner from every order passed on appeal by a Special Judge under sub-section (1), within sixty days of the passing of such order, on any of the grounds specified in section 100 of the Code of Civil Procedure, 1908. 5 of 1908.

(3) The decision of the Judicial Commissioner, or of the Special Judge where no second appeal is preferred, or of the compensation officer where no appeal to the Special Judge is preferred, shall be final. 15

Final  
publication  
of the  
compensation  
assessment  
roll.

**152.** (1) Where no objection or appeal has been filed or all the objections and appeals filed have been finally disposed of, the compensation officer shall cause the draft compensation assessment roll to be finally published, or make such alterations in the draft compensation assessment roll as may be necessary to give effect to any order passed on objection made under sub-section (1) of section 149 or on appeal under section 151 and cause the roll as so altered to be finally published, in the prescribed manner together with a certificate stating the fact of such final publication and the date thereof. 20 25

(2) The publication of the compensation assessment roll under sub-section (1) shall be conclusive evidence that the said roll has been duly made under this Chapter and every entry in such roll shall, save as otherwise provided in this Act, be conclusive evidence of the matters referred to in such entry. 30

Correction  
of bona fide  
mistakes.

**153.** (1) No correction of the compensation assessment roll after it has been finally published under section 152 shall be made except as provided in this section.

(2) Correction of bona fide mistakes or corrections necessitated by succession to or inheritance of any interest in the estate can be made by the compensation officer at any time before the payment of compensation, either of his own motion or on the application of the person interested, but no such correction shall be made while any legal proceeding affecting such entry is pending. 35 40

(3) Every time a correction is made under sub-section (2), the compensation officer shall cause a draft of the correction to be

published in the same manner as the draft compensation assessment roll, and after considering and disposing of any objections that may be made, shall cause the correction to be finally published.

- 5 154. After the vesting date and before the final publication of the compensation assessment roll, *ad interim* payment to the outgoing intermediary may be made as follows:— *Ad interim payment of compensation.*

(a) the compensation officer shall calculate the probable amount of compensation payable to him;

- 10 (b) two and a half per cent. of such probable amount shall be paid *ad interim* to each intermediary in cash every year until such time as the compensation assessment roll is finally published;

- 15 (c) if there is any dispute as to the title of any person to receive the amount or as to the apportionment of it, the amount shall be kept in deposit in the manner prescribed until the dispute is finally determined; and on such determination, the compensation officer shall pay the amount or the portion thereof to the person or persons entitled to receive  
20 the same.

155. (1) After the compensation assessment roll has been finally published, the compensation officer shall deduct from the amount shown in such roll as payable to an intermediary or any other person having interest in the estate, the following amounts,  
25 namely:— *Mode of payment of compensation.*

(a) *ad interim* payments made under section 154;

(b) the amount, if any, the deduction of which has been ordered under section 135;

- 30 (c) the amounts payable to creditors as determined by the claims officer.

- (2) The balance remaining after the deductions referred to in sub-section (1) are made shall be given in cash, in one lump sum or in annual instalments not exceeding twenty, or in bonds, or partly in cash and partly in bonds, in accordance with such rules  
35 as may be prescribed.

- (3) The bonds referred to in sub-section (2) may be either negotiable or non-negotiable, and transferable in such circumstances and in such manner as may be prescribed and shall carry interest at the rate of two and a half per cent. per annum on the  
40 amount outstanding thereon, with effect from the date of issue.

- (4) If any dispute arises as to the title of any person to receive the amount or as to the apportionment of it, the compensation

officer may, if he thinks fit, keep the amount of compensation or the bonds referred to above in deposit in the manner prescribed, until the dispute is finally determined; and on such determination, the compensation officer shall pay the amount or the portions thereof to the person or persons entitled to receive the same. 5

Compensation due to maintenance holder.

**156.** (1) If any person claiming as maintenance holder to be entitled to any portion of the compensation awarded to any intermediary under this Chapter applies to the compensation officer for payment of the same to him, the compensation officer may, with the consent of the intermediary, direct the payment to the 10 applicant out of the compensation of such amount as the intermediary may have agreed to be paid to the applicant, and any such payment shall be a valid discharge of the liability of the Government in respect of the amount so paid.

(2) If the intermediary does not give his consent, the compensation officer shall direct the applicant to file, within three months, a suit or other proceeding in the court having jurisdiction to establish his claim and order that the amount claimed shall not in the meantime be paid to the intermediary. 15

(3) The Government shall not be made a party to any suit or 20 proceeding instituted or commenced in pursuance of any direction given under sub-section (2).

(4) If the suit or proceeding referred to in sub-section (2) is instituted or commenced within the period aforesaid, the compensation officer shall place the amount claimed at the disposal of 25 the court before which such suit or proceeding is instituted.

(5) If the suit or proceeding is not instituted or commenced within the period of three months aforesaid, the compensation officer shall order the amount to be paid to the intermediary.

*Explanation.*—For the purpose of this section, a maintenance 30 holder means a person entitled to receive maintenance under a registered deed, decree or order of court.

Compensation due to person incompetent to alienate.

**157.** If any intermediary entitled to receive compensation in respect of any interest is a person incompetent to alienate such interest, the compensation officer shall keep the amount of compensation payable in respect of such interest, whether in cash or 35 in bonds, in deposit with the Collector who shall arrange to invest the cash or the income from the bonds in the purchase of such Government or other approved securities as the Collector thinks fit and shall direct the payment of the income from such investment to the intermediary who would for the time being have been 40 entitled to hold and enjoy such interest if it had not vested in the

Government; and such cash, bonds and securities shall remain so deposited until they are made over to any person or persons becoming absolutely entitled thereto:

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation under this section to pay the same to the person lawfully entitled thereto.

5 of 1908. 158. The Collector, the compensation officer and the claims officer, for the purposes of any inquiries or proceedings under this Part, shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, in respect of—

Inquiries to be judicial proceedings.

(a) enforcing the attendance of any person and examining him on oath or affirmation;

(b) compelling the production of documents; and

15 (c) issuing commission for the examination of witnesses;

45 of 1862.

and such inquiries or proceedings shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

159. Whoever—

Penalties.

20 (a) wilfully fails or neglects to comply with any requirements made of him under this Part, or

(b) contravenes any lawful order passed under this Part, or

25 (c) obstructs or resists the taking by the Collector or any other officer authorized by him in writing of charge of any property which is vested in the Government under this Part, or

(d) furnishes information which he knows or believes to be false or does not believe to be true,

shall, on conviction before a Magistrate, be punishable with fine which 30 may extend to five hundred rupees.

160. Where, as a result of the operation of this Part, any person acquires the right to hold land either as a raiyat or an under-raiyat, the provisions of Part III shall, as far as may be, apply to the determination of such right and in such application, any reference in the 35 said Part to the commencement of this Act shall be construed as a reference to the vesting date.

Application of Part III to persons becoming raiyats or under-raiyats under Part IV.

161. (1) The Administrator may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Part.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner of publication of a notification under section 134;

(b) the procedure to be followed and the forms to be adopted in inquiries and proceedings under this Part; 5

(c) the mode of service of any order, notice or other documents under this Part;

(d) the form of the statements to be furnished by intermediaries; 10

(e) the inspection of and making notes from documents, registers and records under section 137, the grant of certified copies thereof and the fee to be charged for such grant;

(f) the form and the manner in which compensation assessment rolls shall be prepared and the particulars to be mentioned therein; 15

(g) the manner of apportionment of net income among intermediaries;

(h) the procedure to be followed in the case of intermediaries having shares or interest in different estates; 20

(i) the manner in which the preliminary and the final publication of the compensation assessment roll shall be made;

(j) the manner of determining the amount of annuities payable to religious and charitable institutions and the procedure for making payments; 25

(k) the manner in which the income of the previous year shall be determined;

(l) the determination of the amount of *ad interim* compensation; 30

(m) the manner in which and the period within which creditors may prefer their claims before the claims officer and the procedure to be followed in the disposal of such claims; 35

(n) the manner in which objections shall be submitted to the compensation officer and the procedure to be followed in the disposal of such objections; 35

(o) the manner of determining the commuted value of rents under section 145;

(p) the manner of preferring appeals under Chapters XI and XII;

(q) the manner of keeping in deposit the amount of compensation under sections 155 and 157; 40



- (r) the form and contents of bonds;  
(s) the manner in which, and the circumstances under which, bonds shall be transferable; and  
(t) any other matter which is to be, or may be, prescribed.

5

## PART V

## CHAPTER XIII.—CEILING ON LAND HOLDINGS

**162.** The provisions of this Chapter shall not apply to land owned **Exemptions.**  
by the Government or a local authority.

**163.** For the purposes of this Chapter,— **Definitions.**

- 10 (a) "ceiling limit", in relation to land means the limit fixed under section 164;  
(b) "family", in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grand-children, of such person;  
15 (c) "land" does not include land used for non-agricultural purposes.

**164.** No person either by himself or, if he has a family, together **Ceiling on**  
with any other member of his family (hereinafter referred to as **holdings.**  
the person representing the family) shall, whether as a raiyat or  
20 an under-raiyat or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five standard acres in the aggregate:

Provided that where the number of members of the family of such person exceeds five, he may hold five additional standard acres  
25 for each member in excess of five, so however as not to exceed fifty standard acres in the aggregate.

*Explanation.*—In the case of a company, an association or any other body of individuals, the ceiling limit shall be twenty-five standard acres.

30 **165.** Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of August, 1957 and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return  
35 giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain: **Submission of returns.**

Provided that in the case of a joint holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

*Explanation.*—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

Collection of information through other agency.

Procedure for determination of excess land.

166. If any person, who under section 165 is required to submit a return, fails to do so \* \* \* \* \*, the competent authority may collect the necessary information through such agency as may be prescribed. 10

167. (1) On receipt of any return under section 165 or information under section 166 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 168 and section 169 or of any rules that may be made in this behalf, it shall determine— 15

(a) the total area of land held by each person representing the family;

(b) the specific parcels of land which he may retain; 2

(c) the land held by him in excess of the ceiling limit;

(d) whether such excess land is held by him as a raiyat or as an under-raiyat or as a mortgagee with possession;

(e) the excess land in respect of which the under-raiyat or the mortgagee with possession may acquire the rights of the raiyat or the mortgagor, as the case may be; 25

(f) the excess land which may be restored to a raiyat or a mortgagor;

(g) the excess land which shall vest in the Government; and

(h) such other matters as may be prescribed. 30

(2) For the purposes of determining the excess land under this section, any land transferred at any time during the period between the 10th day of August, 1957 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor. 35

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by him under subsection (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed

168. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of August, 1957 and the 2nd day of December, 1959, has transferred during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 167 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of a family holding and no land shall be selected out of the land transferred.

Selection of excess land in cases of certain transfers.

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between the 10th day of August, 1957 and the 2nd day of December, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 2nd day of December, 1959 and the commencement of this Act has transferred during such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 167 shall be selected out of the lands held at the commencement of this Act by the transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

(4) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

*Explanation.*—For the purposes of this sub-section, “homestead land” means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

169. (1) Where any excess land of a raiyat is in his actual possession, the excess land shall vest in the Government.

Excess land to vest in Government.

(2) Where any excess land of a raiyat is in the possession of a person holding the same as an under-raiyat or as a mortgagee and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

5

(3) Where any excess land of a raiyat is in the possession of a person holding the same as an under-raiyat or as a mortgagee and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire the rights of the raiyat or of the mortgagor, as the case may be, in respect of such excess land or part thereof on payment of compensation, if any, as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of an under-raiyat or of a mortgagee with possession, the excess land shall vest in the Government:

15

Provided that in any case where the excess land or any part thereof held by the raiyat or the mortgagor together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the possession of that person on an application made by him in this behalf to the competent authority within such time as may be prescribed and in the case where the possession of such land is restored to the mortgagor, the mortgage in respect of such land shall be deemed to be a simple mortgage.

25

Publication  
of the  
final list  
and consequences  
thereof.

170. (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 167 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Collector.

30

(2) The Collector or any other officer authorised in this behalf by the Administrator may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and subject to the provisions of this Act, the list shall be final.

35

(4) With effect from the date of the publication of the list in the Official Gazette under sub-section (3),—

40

(a) the excess land shall stand transferred to and vest in the Government free of all encumbrances; or

(b) the possession of the excess land shall stand restored to the raiyat or the mortgagor, as the case may be; or

(c) the rights of the raiyat or the mortgagor in respect of the excess land shall stand transferred to the under-raiyat or the mortgagor, as the case may be.

171. (1) Where any excess land of a raiyat vests in the Government, there shall be paid by the Government to the raiyat compensation, subject to the provisions of sub-section (2), of an amount equal to—

(a) in the case of any land which has remained uncultivated during the three years immediately preceding the date of vesting in the Government, twenty-five times the land revenue in respect of such excess land;

(b) in the case of any other land, fifty times the land revenue in respect of such excess land:

Provided that where the land is held revenue free or is assessed to land revenue at a concessional rate, the compensation shall be determined on the basis of land revenue assessable at full rates for such land:

Provided further that where any improvement has been made on the land at any time subsequent to a settlement or revisional settlement, the rate of land revenue for purposes of this section shall be the rate applicable to the class of land in which the land falls after the improvement.

(2) Where such excess land or any part thereof is in the possession of an under-raiyat, the compensation payable under sub-section (1) in respect of the land shall be apportioned between the raiyat and the under-raiyat in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

(3) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building constructed on such land and any trees planted thereon and such compensation shall be determined by the competent authority in the prescribed manner, having regard to the market value of such structure or building or the value of such trees, and such compensation shall be paid to the person who has constructed the structure or building or planted the trees.

(4) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount

due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of any excess land is void by virtue of sub-section (4) of section 168, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor. 5

(5) Where an under-raiyat acquires the rights of a raiyat in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the raiyat would have been paid as compensation under sub-section (2) or sub-section (3) if the land had vested in the Government; and the amount shall, in the first instance, be paid to the raiyat by the Government and shall be recovered from the under-raiyat in such manner as may be prescribed. 10

(6) Where a mortgagee in possession acquires the rights of the mortgagor in respect of any excess land under sub-section (3) of section 169, the compensation payable by the mortgagee in respect of that land shall be such sum of money, if any, as may be due to the mortgagor after setting off the mortgage debt against the market value of such excess land. 15 20

(7) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2), or sub-section (3), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner. 25

(8) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section 30

Manner  
of payment  
of compen-  
sation.

172. (1) The compensation payable under section 171 shall be due from the date of the publication of the list under sub-section (3) of section 170 and may be paid in cash, in a lump sum or in instalments, or in bonds. 35

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding twenty years from the date of issue, as may be prescribed. 40

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due. 45

173. No person representing a family shall acquire in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall be treated as excess land of the transferee and the provisions of sections 167 to 172 shall, as far as may be, apply to such excess land.

Limit of future acquisition of land.

174. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

Excess land not to be surrendered in certain cases.

175. After the publication of the list of excess land under subsection (3) of section 170, and after demarcation in the prescribed manner of such land where necessary, the Collector may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

Power of Collector to take possession of excess land.

176. (1) Whoever being bound to submit a return under section 165 fails to do so, without reasonable cause, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

Offences and penalties.

(2) Whoever contravenes any lawful order made under this Chapter or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

177. Subject to the provisions of this Act, every order made under this Chapter shall be final.

Finality of orders.

178. (1) The Administrator may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 164—

Power to exempt, etc.

(a) any land which is being used for growing tea, coffee or rubber including lands used or required for use for purposes ancillary to, or for the extension of, the cultivation of tea, coffee or rubber to be determined in the prescribed manner;

(b) any sugar-cane farm operated by a sugar factory;

(c) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(d) any person who holds a compact block of land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 1st January, 1958; or

(ii) is being used as a farm in which heavy investment<sup>5</sup> or permanent structural improvements have been made and which, in the opinion of the Administrator, is being so efficiently managed that its break up is likely to bring a fall in production:

Provided that where such person holds the compact block<sup>10</sup> of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding the ceiling limit;

(e) any land which is being held by a co-operative society,<sup>15</sup> provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit:

Provided that the Administrator may entertain the application after the expiry of the said period of three months, if he is satisfied<sup>20</sup> that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (d) of sub-section (1) is transferred to another person, the Administrator may, on an application made<sup>25</sup> to him within three months from the date of the transfer, exempt the transferee from the operation of section 164 and section 173 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

(3) Where the Administrator is of opinion that the use of land<sup>30</sup> for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 173, acquire land in excess of the ceiling limit for being used for such<sup>35</sup> specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(4) Where any land, in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3).



ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Administrator may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

5

## CHAPTER XIV.—PREVENTION OF FRAGMENTATION

179. For the purposes of this Chapter,—

Defini-  
tions.

(a) "holding" means the aggregate area of land held by a person as a raiyat;

10 (b) "fragment" means a holding of less than two standard acres in area;

(c) "and" has the same meaning as in Chapter XIII.

180. (1) No portion of a holding shall be transferred by way of sale, exchange, gift, bequest or mortgage with possession, so as to create a fragment: Restrictions  
on transfer,  
etc.

15 Provided that the provisions of this sub-section shall not apply to a gift made in favour of the *Bhoodan* movement initiated by Acharya Vinoba Bhave.

(2) No portion of a holding shall be transferred by way of \* lease, where as a result of such lease,—

20 (i) the lessor shall be left with less than two standard acres, or

(ii) the total area held by the lessee exceeds the limit of a family holding.

(3) No fragment shall be transferred to a person who does not have some land under personal cultivation or to a person who holds, or by reason of such transfer shall hold, land in excess of the limit of a family holding.

181. (1) No holding shall be partitioned in such manner as to create a fragment. Partition of  
holding.

30 (2) A fragment shall not be partitioned unless as a result of such partition its portions get merged in holdings of two standard acres or more or in fragments so as to create holdings of two standard acres or more.

(3) Whenever, in a suit for partition, the court finds that the partition of a holding will result in the creation of a fragment, the court shall, instead of proceeding to divide the holding, direct the

sale of the same and distribute the proceeds thereof among the co-sharers.

(4) Wherever a holding is put up for sale under sub-section (3), a co-sharer shall have the first option to purchase the holding at the highest bid; if there are two or more co-sharers claiming the first option, that co-sharer who offers the highest consideration shall be preferred.

Transfers  
in contra-  
vention of  
this  
Chapter.

**182.** (1) Any transfer, partition or lease of land made in contravention of the provisions of this Chapter shall be void.

(2) No document of transfer, partition or lease of land shall be registered unless declarations in writing are made, in such form and manner as may be prescribed, by the parties hereto before the competent registering authority under the Indian Registration Act, 1908, regarding lands held by each prior to the transaction and the land which each shall come to hold thereafter. 16 of 1908.  
15

(3) No registering authority shall register under the Indian Registration Act, 1908, any document of transfer, partition or lease of land if, from the declarations made under sub-section (2), it appears that the transaction has been effected in contravention of the provisions of this Chapter. 16 of 1908.  
20

Penalty

**183.** The parties to any transfer, partition or lease made or entered into in contravention of any of the provisions of this Chapter shall be punishable with fine which may extend to one hundred rupees.

Power to  
make  
rules.

**184.** (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Part. 25

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which, and the period within which, a return under section 165 may be submitted; 30

(b) the agency through which information may be collected under section 166;

(c) the manner of holding enquiries under this Part;

(d) the matters which may be determined under sub-section (1) of section 167 and the manner of determination of excess lands under this Part; 35

(e) the form in which a list under sub-section (3) of section 167 or sub-section (3) of section 170 may be prepared and the manner of publication of such list;

5 (f) the period within which an application for restoration of excess land may be made under the proviso to sub-section (4) of section 169;

(g) the manner of apportionment of compensation between the raiyat and the under-raiyat under sub-section (2) of section 171;

10 (h) the manner of assessment of the market value of any structure or building or trees under sub-section (3) of section 171;

(i) the manner of recovery of the compensation payable by the under-raiyat under sub-section (5) of section 171;

15 (j) the manner of determining under sub-section (6) of section 171 the market value of any excess land in respect of which a mortgagee in possession acquires the rights of the mortgagor;

20 (k) the manner of determination of the net annual income of any excess land for the purpose of payment of compensation to religious or charitable institutions under sub-section (7) of section 171;

25 (l) the manner of payment of compensation, including the number of instalments in which the compensation may be paid or recovered and the period within which bonds may be redeemed;

(m) the manner of demarcation of any excess land under section 175;

30 (n) the matters which may be determined by the Administrator in granting an exemption under section 178 including the form in which applications and intimations may be made or given, under section 178;

(o) the form of declarations under section 182;

35 (p) any other matter which has to be, or may be, prescribed.

## PART VI

### CHAPTER XV.—GENERAL AND MISCELLANEOUS

185. Without prejudice to any other provision of this Act, any Recovery of amount due to the Government, whether by way of costs, penalty amounts due as arrears of

land  
revenue.

or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Act shall be recoverable in the same manner as an arrear of land revenue.

Protection  
against  
eviction or  
surrender in  
certain cases.

186. (1) After the commencement of this Act and before the vesting date referred to in sub-section (1) of section 134,—

(a) the provisions of sections 111 to 117 shall, so far as may be, apply to tenants and sub-tenants as defined in clause (d) of section 133;

(b) no such tenant or sub-tenant shall surrender any land held by him as such and no person shall enter upon any such land unless such surrender is *bona fide* and is made with the previous permission in writing of the competent authority, and the provisions of sub-section (3) of section 125 shall apply to any case where such permission is refused,

(c) no such tenant or sub-tenant shall, whether in execution of a decree or order of court or otherwise, be evicted from any such land on any ground other than those specified in clauses (c) and (d) of sub-section (1) of section 118, and any proceeding for eviction of such tenant or sub-tenant on any ground other than those specified in the said clauses (c) and (d) pending at such commencement shall abate without prejudice to any action that may be taken under the provisions of this Act.

(2) Where, or after the 10th day of August, 1957 and before the commencement of this Act, any such tenant or sub-tenant has surrendered any land held by him as such or been evicted from such land and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, either on his own motion or on application made by the tenant or sub-tenant in this behalf, restore him to possession of the land which has been surrendered or from which he has been evicted.

Special pro-  
vision re-  
garding  
Scheduled  
Tribes.

187. No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless—

(a) the transfer is to another member of the Scheduled Tribes; or

(b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the Collector; or

(c) the transfer is by way of mortgage to a co-operative society.

**188.** No suit or other proceeding shall, unless otherwise expressly provided in this Act, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Act: Jurisdiction of civil courts excluded.

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

**189.** Save as otherwise provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of Act to override contract and other laws.  
10 court.

**190.** Notwithstanding anything contained in the Court-fees Act, Court-fees.  
7 of 1870, 1870, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

**191.** Every village accountant and every other village officer appointed under this Act shall be deemed to be a public servant within Village officers to be public servants.  
45 of 1860, the meaning of section 21 of the Indian Penal Code.

**192.** With the previous approval of the Government, the Administrator may, by notification in the Official Gazette, exempt any class of lands from all or any of the provisions of this Act. Power to exempt.

**193.** Whoever contravenes any provision of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees. General provision as to penalties.  
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**194.** No suit, prosecution or other proceedings shall lie— Protection of action taken in good faith.  
25 (a) against any officer of the Government for anything in good faith done or intended to be done under this Act;  
(b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Act.

**195.** The Administrator may, by notification in the Official Gazette, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification. Delegation of powers.  
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**196.** If any difficulty arises in giving effect to any provision of this Act, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty. Power to remove difficulties.

General  
power to  
make rules.

**197.** Without prejudice to any power to make rules contained elsewhere in this Act, the Administrator may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

Laying of  
rules before  
Parliament.

**198.** Every rule made under this Act shall be laid as soon as 5  
may be after it is made before each House of Parliament while it  
is in session for a total period of thirty days which may be com-  
prised in one session or in two successive sessions, and if before the  
expiry of the session in which it is so laid or the session immediately  
following, both Houses agree in making any modification in the 10  
rule or both Houses agree that the rule should not be made, the  
rule shall thereafter have effect only in such modified form or be  
of no effect, as the case may be; so however that any such modifica-  
tion or annulment shall be without prejudice to the validity of any-  
thing previously done under that rule. 15

Repeal and  
savings.

**199.** (1) On and from the date on which any of the provisions  
of this Act are brought into force in any area in the Union territory  
of Tripura, the enactments specified in the Schedule or so much  
thereof as relate to the matters covered by the provisions so brought  
into force shall stand repealed in such area. 20

(2) The repeal of any enactment or part thereof by sub-section  
(1) shall not affect,—

(a) the previous operation of such enactment or anything  
duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, 25  
accrued or incurred under such enactment;

(c) any penalty, forfeiture or punishment incurred in res-  
pect of any offence committed against such enactment;

(d) any investigation, legal proceeding or remedy in res-  
pect of any such right, privilege, obligation, liability, penalty, 30  
forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may  
be instituted or enforced and any such penalty, forfeiture or  
punishment may be imposed as if such enactment or part there-  
of had not been repealed. 35

(3) Subject to the provisions contained in sub-section (2), any  
appointment, rule, order, notification or proclamation made or  
issued, any lease, rent, right or liability granted, fixed, acquired or  
incurred and any other thing done or action taken under any of the  
enactments or parts thereof repealed under sub-section (1) shall, in 40  
so far as it is not inconsistent with the provisions of this Act brought  
into force, be deemed to have been made, issued, granted, fixed,

acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.

(4) Any custom or usage prevailing at the time any of the provisions of this Act are brought into force in any area in the Union territory of Tripura and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

### THE SCHEDULE

[See section 199 (1) ]

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- (1) Praja Bhumiadhihari Sambandha Bishyak Ain (EK Ain, 1296 Tripurabda).
- (2) 1296 Tripurabder Praja Bhumiadhihari Ain Sansudhan Bishyak 1337 Tripurabder EK Ain, and  
1296 Tripurabder Praja Bhumiadhihari Ain Sansudhan Bishyak 1335 Tripurabder EK Ain.
- (3) Rajdhani Agartala Sahar Bondobasta Sambandhiya Bidhan, 1346 T.E.
- (4) Jarip-o-Bondobasta Sambandhiya Niyamabali, 1309 Tripurabda.
- (5) Tripura Rajyer Jarip Bondobasta Sambandhiya Niyamabali Sansudhan Bishyak, 1336 Tripurabder Tin Ain.
- (6) Jarip-o-Bondobasta Sambandhiya Niyamabali (Prathem Khanda).
- (7) Jarip-o-Bondobasta Sambandhiya Niyamabali (Dwitiya Khanda), 1323 T.E.
- (8) 1290 Saner EK Ain Orthat Rajaswa Sambandhiya Niyamabali, and  
1323 Tripurabder Dui Ain Orthat Rajaswa Sambandhiya 1290 Saner EK Ain Sansudhan Bishyak Bidhi.
- (9) Sarkari Prapya Aday Sambandhiya 1326 Tripura Char Ain, and  
Sarkari Prapya Aday Sambandhiya 1326 Tripurar Char Ain Sansudhan Bishyak Ain Athaba 1358 Tring Saner 18 Nang Ain.

M. N. KAUL,  
*Secretary.*

